

In this issue:

Don't tell New York City, but the nationwide crime rate is going up. Page 5.

Once again, it's a year for serial killers. Page 5.

Child-snatchings are big news, but are they a big problem? Page 6.

Amber Alert is getting a nationwide green light. Page 6.

Police wipe a smile from mailbox bomber's face. Page 6.

Beltway snipers continue to confound police expectations. Page 7.

Legislative probes point to FBI, CIA lapses. Page 8.

Police catch terrorist "sleepers" napping. Page 8.

Homeland security is demanding still more of local police agencies. Page 9.

The courts are wrestling with anti-terror issues in various forms. Page 9.

Is there a new federal perspective on consent decrees? Page 10.

Agencies try harder to fill depleted ranks. Page 10.

Bottom lines will get worse before getting better. Page 11.

The Cabinet is about to get a new anti-terror look. Page 12.

Justice by the Numbers: A numerical profile of criminal justice in the United States in 2002. Page 13.

Around The Nation: A coast-to-coast roundup of current police news. Pages 14, 15.

LEN salutes its 2002 Person of the Year:

A very special agent

Coleen Rowley of the FBI sheds light on institutional failings in pre-9/11 terrorism probes

By Jennifer Nislow

Ethical decisions are made by individual law enforcement officers every day, but only rarely do they affect national security to the degree that a 13-page letter written by a veteran FBI field agent did last spring.

In her May 21 memo to FBI Director Robert S. Mueller III, Coleen Rowley, who is legal counsel to the Minneapolis field office, accused bureau management of shading and omitting facts that would cause embarrassment to either persons or the institution for lapses relating to pre-9/11 probes. Her superiors, she said, deliberately thwarted efforts to obtain a search warrant for the laptop of a man later accused of being the 20th hijacker. And agents from Minneapolis were never informed that only three weeks earlier a memo had been sent by a Phoenix-based agent which warned that al Qaeda operatives could be seeking flight training for terrorist purposes, said Rowley.

"Although the last thing the FBI or the country needs now is a witch hunt, I do find it odd that (to my knowledge) no inquiry whatsoever was launched of the relevant FBIHQ personnel's actions a long time ago," she wrote. "It's true we all make mistakes and I'm not suggesting that HQ personnel in question ought to be burned at the stake, but we all need to be held accountable for serious mistakes..."

Whether one believes that Coleen Rowley was a hero or, as some do, a turncoat who betrayed her agency by airing its failures in the most public of forums, there is little doubt of the impact she had on law enforcement in 2002. The nature and extent of any long-term implications that her actions may have remain to be seen. Clearly visible, however, is her courage in speaking truth to power, for the good of the country and at potential risk to her career. It is this courage, coming from a most unassuming member of the nation's most vaunted law enforcement agency, that compels Rowley's selection as the Law Enforcement News Person of the Year for 2002.

Rowley is clearly a reluctant honoree, who

resists being singled out for actions she contends did not go beyond the requirements of her job. "It wasn't just me... Our whole office was basically just telling the truth about what happened here," she told LEN. "Actually, there are other agents in my division who had more of a first-hand, direct involvement in the underlying investigation, a lot more involvement."

Uncomfortable though she may be with her newfound prominence, Rowley does acknowledge that it has given her a forum from which to speak out against laws that impede effective federal investigations, such as the 1999 McDade Amendment, which subjects federal prosecutors to state bar rules and has had the effect in some cases of prohibiting contact between U.S. attorneys and police agencies engaged in undercover narcotics operations. Rowley would also like to see modifications to the Miranda rule, especially where public safety is concerned, as well as to the nation's encryption laws. "It's terrible right now," she said. "We're seeing more and more encrypted communications between criminals and terrorists."

"When we have a law that's either wrong or creating huge problems or impediments, it's law enforcement's job to keep speaking out about it," said Rowley. "When I have a chance, I'm going to keep bringing those up."

Rowley's letter, a copy of which was also sent to key Congressional leaders, was made public as lawmakers, recovering from the immediate shock of 9/11, began grappling with the question of why the nation's vaunted intelligence apparatus was unable to "connect the dots." Some believe the clues reach back nearly a decade. In 1994, for example, a "test bomb" was detonated aboard a Philippine Airlines jet which exposed an al Qaeda plot to blow up more than a dozen jets over the Pacific. In 2000, the CIA began noting increased signs of terrorist activities abroad. And in the spring of 2001, specific threats were received by the White House from intelligence sources which said the Middle Eastern terrorist group could potentially attack U.S. interests overseas.



Coleen Rowley: "It's law enforcement's job to keep speaking out."

From May through early July of 2001, intelligence officials told law enforcement that domestic attacks could not be ruled out. A spike in the number of threats suggested that President Bush might be a target during an economic summit meeting in Italy. During this period, the State Department and the Federal Aviation Administration urged U.S. government interests to operate with caution; a worldwide alert issued by the agencies warned that explosives could be used at airport terminals. In July, non-essential travel by U.S. counterterrorism staff was suspended.

Later that month, the so-called Phoenix memo cited by Rowley was sent to headquarters. Its author, Kenneth Williams, an agent with the Arizona office's international terrorism unit, noted that a large number of Middle Eastern men — some

Continued on Page 2

2002: A year in retrospect

What a difference 12 months can make for law enforcement

Analysis

By Marie Simonetti Rosen

What a difference a year makes. 2002 began with a sense of resolve and clarity of mission born of the Sept. 11, 2001, terrorist attacks, coupled with classically American optimism and "can-do" spirit. The year proceeded amid flurries of activity as law enforcement agencies on all levels scrambled to incorporate homeland security and anti-terrorism measures into their agendas, despite problems of understaffing and underfunding. Departments sought equipment and training — both commodities in short supply — and did their best to implement or improve internal and external communications networks.

As the year ended, however, the grim reality of dwindling resources seemed more dire than ever, with states and localities facing what some describe

as the gravest fiscal crisis in the past half-century. Moreover, the promise of federal funding has gone unfulfilled. The once-clear mission has become muddled, and the sense of urgency has in many places turned into little more than heightened consciousness.

Certainly, some departments have done more to prepare than others — or have done so more visibly. New York City, notably and for obvious reasons, has probably done the most. As Police Commissioner Raymond W. Kelly noted, "We're all on the front lines here, so to speak" — and he wasn't being metaphorical. To defend this front line, the department created new positions and filled them with former high-ranking officials from the Central Intelligence Agency and the Marine Corps. Like other departments, it sent officers to Israel to learn more about suicide

bombers, and planned to have some officers work in concert with intelligence agencies throughout the world. New equipment, such as radiation-detection gear and bio-hazard suits, is on hand or on order. While continuing its emphasis on quality-of-life offenses and dousing the periodic crime hot-spot, the department appears to be spending its crime "peace dividend," generated by its declining crime rates, on actively protecting the city from another terrorist attack.

For many localities, however, prevention and preparedness efforts fell short, in many cases because the promise of federal funding had failed to fully materialize by year's end. The Bush administration bottled up \$1.5 billion in law enforcement and antiterrorism assistance, citing Congress's inability to pass appropriations bills (although

some surmise that it may have more to do with the White House's desire to have more control over the fate and fortunes of the Office of Community Oriented Policing Services).

Even with lean resources, however, police departments managed to get in some training, frequently in the form of joint haz-mat response exercises with other emergency personnel. New joint anti-terrorist task forces emerged from improved communications between the FBI and state and local departments. Statewide communication systems were enhanced; public terrorist tip lines were established. A number of states are now putting visa expiration dates on driver's licenses. Although not widely publicized, plans were developed by some local governments for evacuation and quarantine scenarios. For personnel in some larger departments, training in

intelligence analysis took priority — only to be met with a glaring lack of expertise in this critical area. But for all the initiatives that were undertaken, and all the practitioners for whom anti-terrorism activities have become a full-time job, law enforcement preparedness is not what it could or should be, some experts contend.

Amid improved communications between local and federal law enforcement agencies, there remain thorny issues concerning the extent to which police should go in interacting with illegal immigrants. To a large extent, the debate centered on whether or not local law enforcement should shoulder some of the enforcement duties that have long been the province of the beleaguered Immigration and Naturalization Service. The Florida Department

Continued on Page 4

Coleen Rowley — FBI agent cast in the role of Cassandra

Continued from Page 1

with terrorist links — were enrolled in local flight schools. While not the primary focus of the memo, a Saudi national who was among those that trained in Phoenix, Hani Hanjour, later flew a Boeing 757 into the Pentagon.

It was apparently the third time that the FBI had rejected similar warnings. In 1998, an Oklahoma City agent wrote a superior that such training could be linked to "planned terrorist activity." The bureau received further information that "a terrorist organization might be planning to bring students to the U.S. for training at a flight school." And in 1999, when a third tip was received, the bureau did send a communiqué to its 24 field offices requesting an all-out investigation, but none were ever conducted, according to a report issued in September by Eleanor Hill, staff director of the Congressional hearings into pre-9/11 activities.

"[Rowley's] letter is a very good letter, and I infer from its content that it was needed," Edwin J. DeLattre, a resident scholar at Boston University and an expert on law enforcement ethics, told Law Enforcement News. "I infer this as well from the experience of my dear friend John O'Neill, who was a leading anti-terrorism expert."

O'Neill, who had led the bureau's investigation into the bombing of the U.S.S. Cole, retired from the FBI in August 2001. He was killed on Sept. 11 at the World Trade Center, his first day at his new job as head of security for the Twin Towers.

Said DeLattre, "O'Neill should have been given much more room to complete his investigations than he had, so I wasn't terribly surprised

when I read Coleen Rowley's letter."

Richard Gallo, the president of the Federal Law Enforcement Officers Association, believes that Rowley did what she felt she had to do, but no one has yet posed the question of why she was put in that position. "The reason why is because our payment classification system is broken," he told LEN.

A law signed in 1990 by then-President George Bush stated that federal law enforcement salaries shall be separated from the general schedule, the payment classification system for employees of the federal government. Failure to do so by the Office of Personnel Management over the past 13 years has led to a recruitment and retention crisis in federal law enforcement, Gallo asserted. Salaries for the Drug Enforcement Administration, Secret Service or Bureau of Alcohol, Tobacco and Firearms are approximately two-thirds those of many municipal law enforcement positions. A first-year salary for a federal law officer, he noted, is \$36,000, whereas a starting salary for a Chicago police detective is \$63,000.

"When we go into the supervisory positions, we get zero applicants for first-line supervisory positions in San Francisco, New York and Los Angeles, and sometimes at headquarters," said Gallo, an investigator with the Department of Agriculture's Office of Inspector General.

Too often, top-notch agents will turn down a promotion if it means being assigned to Washington, D.C., where depressed salaries and inflated housing costs make it a difficult transition, he said.

"You're going to get more headaches because this is a promotion. Your commute is going to be



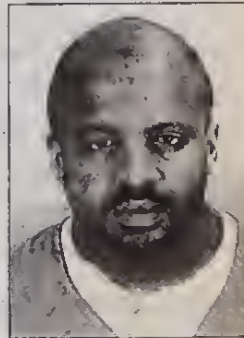
doubled. And it's not any more pay. So why do you go? You don't go," said Gallo. "So headquarters' first choice to take over that position isn't there. Not their second choice, their third choice, more like their eighth or ninth choice, or more like someone who is just going there to punch their ticket and get the hell out of Dodge."

Rowley, 48, has served with the bureau for more than two decades, having joined after earning her law degree from the University of Iowa. While assigned to the New York field office in the 1980s, Rowley worked on organized-crime cases. In 1984, she escorted mobster Gennaro Langella on his "perp walk" before the cameras. Later, she worked on the investigation of Andrew Cunanan, the serial killer responsible for the murder of fashion designer Gianni Versace in Miami Beach in 1997. Rowley won an FBI award for her efforts. She was also involved in the case of Kathleen Soliah, a fugitive member of the Symbionese Liberation Army, who was captured by Minneapolis

agents in 1999 while living under the name Sarah Jane Olson.

While neither Rowley, nor any of the Congressional investigative committees, have concluded that the Sept. 11 attacks could have been prevented, Rowley was quick to point out in her letter that "...it's at least possible we could have gotten lucky and uncovered one or two more of the terrorists in flight training prior to September 11th."

Her involvement began with Zacarias Moussaoui, a French-Moroccan who was arrested



Moussaoui

by federal agents on Aug. 16, 2001, after he is reported to have acted suspiciously while training at a flight school. Those suspicions ripened into probable cause, Rowley wrote, after French intelligence services confirmed his links to radical Islamic causes and Osama bin Laden. While Moussaoui was being held on a visa violation by the Immigration and Naturalization Service, Rowley and other agents from the Minneapolis office sought a Foreign Intelligence Surveillance Act (FISA) warrant to search his laptop. Officials at FBI headquarters rebuffed the request, deeming the evidence insufficient. A warrant was finally granted on Sept. 11. The only difference, she noted, was that, by then, three jetliners had crashed into the Pentagon and the World Trade Center. Moussaoui's computer revealed data on the cockpit layouts of commercial jets. It also contained the phone number in Germany for the roommate of Mohammed Atta, the attack's ringleader.

In the ensuing months, the notion that "hindsight is 20/20" has been amply bandied about, but DeLattre maintains that the past is highly subject to interpretation. "People disagree about how to understand the past so it's not possible for everybody's vision to be 20/20," he said. "Her argument is that a search warrant should have been sought by the FBI, and that argument seems to me irrefutable."

In her letter, Rowley states that her office was continually thwarted by a supervisory agent who seemed to deliberately throw up roadblocks and obstacles. FISA warrants are approved by a special court of rotating judges. Prior to a change in policy said to have been directly related to the Moussaoui case, the FBI director signed off on all such applications, but did not review those that had been rejected inside headquarters. Now, all applications for FISA warrants related to terrorism investigations will be routed to the bureau's chief of counterterrorism and counterintelligence, and then to Mueller for review if it is rejected by a mid-level supervisor, according to a report by The Washington Post.

Rowley was thrust into the spotlight on June 6 when she became a star witness before the Senate Judiciary Committee. For nearly five hours, she

The bombshell

(Excerpts from Special Agent Coleen Rowley's May 21 memo to FBI Director Robert Mueller)

"I have deep concerns that a delicate and subtle shading/skewing of facts by you and others at the highest levels of FBI management has occurred and is occurring.... I feel that certain facts... have, up to now, been omitted, downplayed, glossed over and/or mis-characterized in an effort to avoid or minimize personal and/or institutional embarrassment on the part of the FBI and/or perhaps even for improper political reasons...."

"The Minneapolis agents who responded to the call about Moussaoui's flight training identified him as a terrorist threat from a very early point. The decision to take him into custody on August 15, 2001, on the INS 'overstay' charge was a deliberate one to counter that threat and was based on the agents' reasonable suspicions...."

"It is obvious, from my firsthand knowledge of the events and the detailed documentation that exists, that agents in Minneapolis who were closest to the action and in the best position to gauge the situation locally, did fully appreciate the terrorist risk/danger posed by Moussaoui and his possible co-conspirators even prior to September 11th. Even without knowledge of the Phoenix communication (and any number of other additional intelligence communications that FBIHQ personnel were privy to in their central coordination roles), the Minneapolis agents appreciated the risk...."

"Key FBIHQ personnel whose job it

was to assist and coordinate with field division agents on terrorism investigations... (and who theoretically were privy to many more sources of intelligence information than field division agents), continued to, almost inexplicably, throw up roadblocks and undermine Minneapolis' by-now desperate efforts to obtain a... search warrant.... HQ personnel never disclosed to the Minneapolis agents that the Phoenix Division had, only approximately three weeks earlier, warned of Al Qaeda operatives in flight schools seeking flight training for terrorist purposes...."

"Although the last thing the FBI or the country needs now is a witch hunt, I do find it odd that (to my knowledge) no inquiry whatsoever was launched of the relevant FBIHQ personnel's actions a long time ago.... It's true we all make mistakes and I'm not suggesting that HQ personnel in question ought to be burned at the stake, but we all need to be held accountable for serious mistakes...."

"Mr. Director...you do have some good ideas for change in the FBI but I think you have also not been completely honest about some of the true reasons for the FBI's pre-September 11th failures. Until we come clean and deal with the root causes, the Department of Justice will continue to experience problems fighting terrorism and fighting crime in general...."

"An honest assessment of the FBI's mistakes in this and other cases should not lead to increasing the Headquarters bureaucracy and approval levels of investigative actions as the answer. Most often, field office agents and field office management on the scene

will be better suited to the timely and effective solution of crimes and, in some lucky instances, to the effective prevention of crimes, including terrorism incidents.... Although FBIHQ personnel have, no doubt, been of immeasurable assistance to the field over the years, I'm hard pressed to think of any case which has been solved by FBIHQ personnel and I can name several that have been screwed up! Decision-making is inherently more effective and timely when decentralized instead of concentrated...."

"If prevention rather than prosecution is to be our new main goal (an objective I totally agree with), we need more guidance on when we can apply the Quarles 'public safety' exception to Miranda's 5th Amendment requirements. We were prevented from even attempting to question Moussaoui on the day of the attacks when, in theory, he could have possessed further information about other co-conspirators. (Apparently, no government attorney believes there is a 'public safety' exception in a situation like this?!)"

"I have been an FBI agent for over 21 years and, for what it's worth, have never received any form of disciplinary action throughout my career.... Due to the frankness with which I have expressed myself and my deep feelings on these issues... I hope my continued employment with the FBI is not somehow placed in jeopardy. I have never written to an FBI Director in my life on any topic. Although I would hope it is not necessary, I would therefore wish to take advantage of the federal 'Whistleblower Protection' provisions by so characterizing my remarks."

Rowley blows the whistle — are higher-ups listening?

reiterated much of what was in her letter, describing a pecking order within the bureau that discouraged agents from questioning decisions on which cases to pursue, and how to conduct investigations. Lawmakers sat stunned as she told them of computer technology so primitive that it was impossible to enter phrases such as "flight school." Searching by entering single words, such as aviation, produced unworkably long lists of documents, said Rowley.

Testifying after Mueller had appeared before the panel, Rowley said she was encouraged by the director's remarks "because I think many of his ideas so seem to go in the right direction and actually are quite consistent with the various items I had in my letter to him." Mueller, she said, had an "extremely difficult job..."

Rowley has been assured that her position with the bureau is safe, but she nonetheless applied for protection under the federal whistleblower statute. Some two years away from retirement, she is her family's sole breadwinner. Her husband, Ross, is a stay-at-home father for the couple's four children.

While there are many in law enforcement who applauded Rowley's actions this year, others viewed her decision to go outside the bureau with her criticisms as reprehensible. After dropping off her letter to Mueller, Rowley also left copies for two members of the Senate Intelligence Committee.

"I don't know the lady, from what I know she is extremely competent and well-liked in the Minneapolis office," Tom Tierney, president of the Society of Former Special Agents of the FBI, told LEN. "I would have preferred her to stay within the bureau with this information, simply because



(Time magazine photo)

"It's very brave for a person in the crowd to shout out 'The emperor has no clothes on.'"

— Richard Gallo,
Federal Law Enforcement Officers Association

I think it does some damage to our reputation which isn't really deserved."

According to Tierney, an informal poll of members on the group's computer network came up just about evenly split for and against Rowley's

course of action.

"She probably acted in good faith, but I just don't think you could have everyone in an organization running outside every time they have a disagreement with the boss," he said. "It wouldn't work for any organization, any corporation. I just think it should have been kept in-house."

Jim Roth, former chief counsel for the bureau's New York office, was much more emphatic in his criticism of Rowley. In a letter to The Wall Street Journal dated June 3, 2002, Roth argued that there was no indication that agents at the Minneapolis office made any effort "to sell their case to FBIHQ and fight for it prior to 9/11."

Describing how his office had gone about pushing requests up the line in the past, Roth noted: "At every point along the way, we were willing to work with FBIHQ and the DOJ to resolve the issues, rather than content ourselves with arguing and firing back at HQ. When we disagreed with FBIHQ officials we did not make it personal and question their motives and integrity."

Roth told LEN that he believed Rowley exercised poor judgment and that her letter was "intemperate in tone." It was her obligation as legal counsel to reach out to National Security Law Unit and make sure they heard from Minneapolis, he said. "I don't mean you have to be a pitch man, but when someone gives you a bad time on your case, and you think they're wrong, if you're on to something, you have to go to bat for it." Nothing in the public record indicates that the office did that, said Roth.

Others, however, believe just as firmly that Rowley showed a lot of guts in exposing the bureau's shortcomings.

"The issues raised by Ms. Rowley needed to

he raised," insisted Capt. Ty Blocker of the Pennsylvania State Police, who is president of the Society of Police Futurists International. "She did it within an organization where, traditionally, one does not step out of school. I think she is tremendously courageous and set an example for all law enforcement officials about speaking out on issues and circumstances that are not correct," he told LEN.

FLEOA's Gallo agreed. "It's very brave for a person in the crowd to shout out, 'The emperor has no clothes on,'" he said. Rowley's action could trigger real change in the FBI if backed up by policy and legislative initiatives, said Gallo. "With a change in culture, you're talking about from one generation to another, almost," he said. "It will still have an effect, over time."

The Honor Roll: Law Enforcement News "Person of the Year" Honorees:

1984: Pierce R. Brooks, founder of the Vi-CAP serial-murder tracking program.

1985: Rudolph W. Giuliani, organized crime-fighting U.S. Attorney.

1986: Prof. Herman Goldstein, father of problem-oriented policing.

1987: Sheriff Michael Hennessey, leader in the development of humane responses to AIDS in the criminal justice system.

1988: Dr. David Werrett, DNA crime-profiling pioneer.

1989: The team of public- and private-sector personnel who revised the Uniform Crime Reporting program into the new National Incident-Based Reporting System.

1990: Rep. Matthew G. Martinez, prime mover of the Police Recruitment and Education Program.

1991: The Independent Commission on the Los Angeles Police Department.

1992: The Robert W. Johnson Foundation, sponsors of the "Fighting Back" substance-abuse reduction program.

1993: Sgt. Joseph F. Trimboli, dogged pursuer of police corruption in New York City.

1994: The makers of the 1994 Violent Crime Control Act.

1995: Oscar Newman, pioneer of crime prevention through environmental design.

1996: The people behind the NYPD's crime-smashing Compstat process.

1997: The Boston Gun Project Working Group.

1998: Jon Cohen, Joseph Brann and Thomas Frazier, developers of Baltimore's 311 non-emergency phone system.

1999: James Comey, Frederick Russell and Jerry Oliver, creators of the Project Exile gun-control initiative in Richmond, Va.

2000: The Memphis Police Department Crisis Intervention Team.

2001: The heroes aboard United Airlines Flight 93 standard-bearers for a new citizen engagement in the fight against terrorism.

2002: FBI Special Agent Coleen Rowley, blowing the whistle on counterterrorism lapses.

The FBI is in for a sweeping overhaul, but long-term impact is a question mark

Whether any of the events of the past year — including Special Agent Coleen Rowley's earth-shaking memo to FBI Director Robert S. Mueller III — will have a long-term effect on the bureau remains to be seen, many observers believe. But in June, Mueller outlined a restructuring of the agency which, if enacted in its entirety, would amount to the bureau's most sweeping overhaul since the days of J. Edgar Hoover.

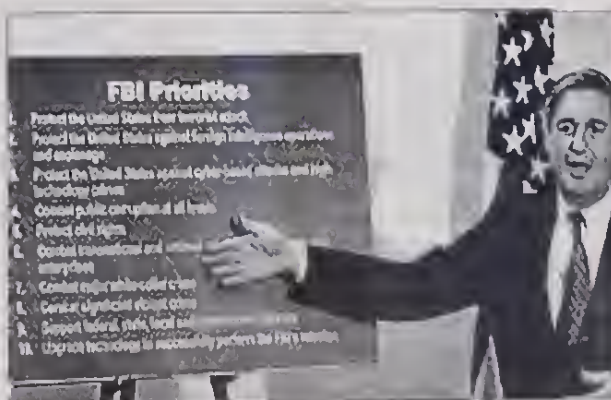
Central to the promised changes is a wholesale shift in the agency's mission, from fighting crime to preventing terrorism. The plan would expand the FBI's Counterterrorism Division to include a National Joint Terrorism Task force aimed at improving intelligence-sharing with local law enforcement and its own field offices; create a new Office of Intelligence, to be staffed by CIA analysts until the bureau can get its own people up to speed, develop a Cyber Division which would coordinate and oversee investigations in cases where the Internet, on-line services and computer systems were the principal instruments or targets of foreign intelligence and terrorism; and divide its Laboratory Division into one section that would provide a variety of technical and tactical support services, and another that would focus on evidence analysis, training and forensic research.

Over the past seven months, some 400 personnel working on non-terrorism investigations have been redeployed. Officials say that roughly one-quarter of the bureau's 11,000 agents are now working in counterterrorism.

Yet there are still doubts about whether the plan is working and, as of December, it seemed as though the bureau still had a ways to go. Lawmakers voiced concern this month that the FBI would not be able to turn itself into an intelligence agency, or at any rate, could do so quickly enough.

In a letter to the Justice Department this month, two senior members of the Senate Judiciary Committee, Senators Patrick J. Leahy (D-Vt.) and Charles E. Grassley (R-Iowa), said they were troubled and frustrated by apparent contradictions in the FBI's claims to be making the transition to counterterrorism. The senators were also angry that the Justice Department decided to cut the amount of information about the bureau being made available to researchers from Syracuse University, after a study was issued last spring suggesting that the FBI was devoting as much time to non-terrorism cases as it was to terrorism in the aftermath of Sept. 11.

"The answer for the Department and the FBI is to address the legitimate concerns about their enforcement priorities, not to blind Congress and public" by withholding information, said the senators' letter, a copy of which was obtained by The New York Times.



FBI Director Mueller unveils plans for overhauling the bureau.

That same month, an internal memo from Mueller warned agents to get on board with management in achieving the goals set out in June, primarily the transition to counterterrorism. "Change will be needed in many areas and needed quickly," the memo said. "Bureaucratic intransigence cannot be an impediment or an excuse."

According to Edwin DeLattre, a professor at Boston University and the author of "Character and Cops: Ethics in Policing," it will take a long time before the levels of trust are rebuilt between the FBI's leadership and the ranks. Under former Director Louis J. Freeh and Attorney General Janet Reno, the FBI squandered "great reservoirs of trust," DeLattre told LEN. "The history during the Freeh and Reno administration, of failure to distinguish between trifling offenses and serious ones, the failure to stand by people on the grounds that they are innocent until proven guilty, were really palpable features of the Clinton administration toward the FBI."

But any changes that are made will not be completely effective until adequate steps are taken through legislation and regulations to facilitate responsible partnerships among federal, state and local law enforcement, said DeLattre.

"The Homeland Security legislation doesn't do much to enable that," he said. "Until it's enabled, and until the FBI, Mueller, [Tom] Ridge and others in the federal government are making clear to the legislators and the White House exactly what needs to be done to enable those partnerships, so police aren't blind about terrorist threats or what to look for, the mission of the FBI will not be possible to fulfill."

What a difference 12 months can make

Continued from Page 1

Law Enforcement entered into a partnership with INS to train 35 municipal officers, sheriff's deputies and FBI F-100s, who would be assigned to regional anti-terrorism task forces and authorized to stop, question and detain illegal aliens. Other jurisdictions flirted with the idea. Still, there were clear divisions among law enforcement officers on the issue, with some placing local priorities over the national interest. Many departments, such as Houston and Tulsa, pointed to the help illegal immigrants give them with investigations and how difficult the job would become if officers had to aggressively target those in this country illegally. Some, such as Pasadena, Calif., have taken a more moderate approach, allowing officers under certain conditions to arrest and detain illegal immigrants for a prescribed period, pending notification of the INS. By June, the Justice Department had hacked away from its plan to have police enforce general immigration laws. Not lost on some police observers was the irony that local police, who are often quick to accuse the FBI of not sharing information and other resources in the aftermath of the terrorist attacks, are now themselves unwilling to share information with the bureau.

One protocol that has been worked out, which does not require changes to existing local law enforcement practices, would focus on those who enter from specially designated countries, linking their admission documents to a National Security Entry-Exit Registration System. Failure to complete the required registration within 30 days would be considered a federal misdemeanor, and the names of those aliens

will be entered into the NCIC as "Wanted," to be handled by local officers as a "hit." Such hits require that local INS offices respond in a timely manner. Given the track record of INS and its chronic shortage of personnel, with some 1,800 agents to handle 8 million illegal immigrants, it is not surprising that this protocol allows federal authorities to ask local law enforcement agencies to detain the individual, for which they would be reimbursed. Whether locals respond affirmatively when asked remains to be seen, but given the number of federal agents assigned to the task, without local cooperation on some level, it would appear that INS, no matter how it is reconstituted, will continue to have its hands full, if not tied.

As Congressional scrutiny bore down on the nation's intelligence community and its pre-9/11 lapses and shortcomings, the phrase "connect-the-dots" became a part of regular news copy. Inquiries revealed an intelligence community whose components don't communicate with each other and, as importantly, don't communicate within their own agencies. Political correctness and legal restraints are said to have hampered the FBI's ability to go forward with investigations or share information with other intelligence agencies. The hearings also showed the FBI to lack focus when it came to terrorism, compounded by insufficient personnel and inadequate technology (with agents using 386-level computers with no external e-mail).

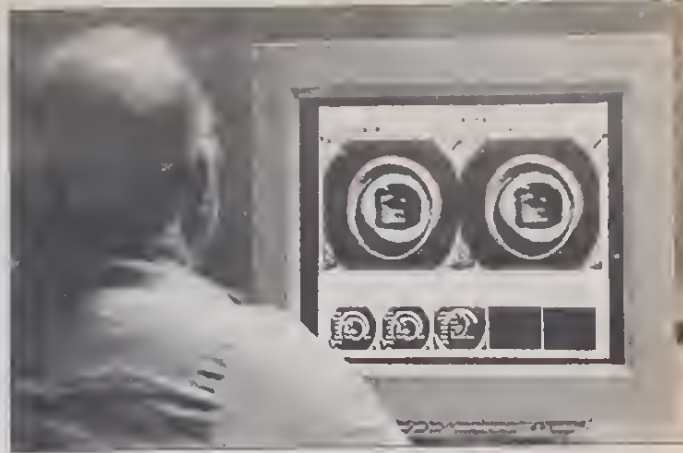
There were a number of agents who uncovered evidence of potential terrorist threats and issued warnings to their superiors — warnings that went unheeded. As one FBI field agent recently

put it, "Headquarters is like a black hole. Information goes in but nothing comes out." Just what happened to their warnings remains unclear, with some members of Congress asserting that the bureau and the CIA were still covering up those who had impeded pre-9/11 investigations. To be sure, the inquiries did not go far enough, having failed to look into lapses by such agencies as INS, the State Department, motor vehicle offices and the Federal Aviation Administration, all of which made critical mistakes. Yet another investigation began as the year ended, and the FBI found itself in the embarrassing position of having to remind some field offices that their top priority should be terrorism, while at the same time fending off suggestions that another agency similar to England's MI-5 be created to deal with domestic intelligence-gathering. With almost two dozen federal entities already collecting intelligence of various kinds, it is clear that channeling relevant information to one place — a so-called "fusion room" — is still far from reality.

The year did witness the creation of a new super-agency, a Cabinet-level department whose work force of 170,000 would come from the ranks of 22 agencies and take years to fully implement. The Department of Homeland Security, which represents the largest government overhaul in decades, would not include the FBI, CIA or National Security Agency, which many criticized as a serious omission. Although most agree that the integration of federal agencies was necessary to speed and streamline the dissemination of information and services, significant questions and concerns remain. Just how will this new department interact with the multitude of intelligence agencies, and with local law enforcement? Will pre-existing agency loyalties and priorities affect the interaction of the workforce? As important, will the diminution of collective bargaining rights for workers — an issue that delayed legislation to create the new agency — lead to deflated employee morale? Can an agency with so much responsibility in such a critical area afford to have employees that are unhappy?

Things remain murky on the legal front, although some pragmatic clarity was provided when Justice Department guidelines were amended in May to allow the FBI to use commercial databases in investigations. Prior to the change, agents could not even use a common search engine like Google to look for terrorist activity. In November a decision by a special appellate panel of the Foreign Intelligence Court of Review validated the broad surveillance powers under anti-terrorism laws passed in 2001. For federal law enforcement officials, this decision razed what some called an "artificial barrier" between investigation and intelligence that had deterred the sharing of information. Even prior to the ruling, the CIA had begun increasing its presence at FBI field offices.

At the local level, however, such barriers still exist, as demonstrated in New York, where the NYPD asked a federal district court judge in September to lift 17-year-old restrictions that curtail police monitoring of political activity. These restrictions require investigators to have specific information



Events such as the Beltway sniper shootings in Maryland and Virginia helped focus renewed attention on the issue of ballistic fingerprinting. (San Francisco Chronicle)

that a crime will be committed or is being planned before they can monitor such political activities. Such restrictions exist elsewhere, as in Seattle, but even when these fetters are loosened, as was the case in Chicago last year, police remain reluctant to use the authority.

If police needed any reminders, a number of arrests, accomplished with varying degrees of local input, served notice that terrorist threats can take root and grow in one's own backyard. Suspects with links to the al Qaeda terrorist network were rounded up in Portland, Seattle, Detroit and Lackawanna, N.Y., while the arrest of one-time Chicago gang-banger Jose Padilla helped assure that the words "dirty bomb" would be added to the law enforcement lexicon for the foreseeable future.

Terror of a different, more conventional kind seized the nation's attention in October, beginning with a seemingly random sniper shooting in a Maryland suburb of Washington, D.C. Over the next three weeks, a total of 10 people would die and 3 more would be wounded, all while engaging in patterns and practices of everyday life. As the sprawling, complex investigation would later reveal, the spree began in effect in Washington state, spanning thousands of miles and going on to claim lives in Louisiana and Alabama as well as Maryland and Virginia. The investigation that led to the arrests of John Allen Muhammad, 41, and John Lee Malvo, 17, inevitably focused attention on the ability of law enforcement agencies at a variety of levels to work cooperatively, a task that was accomplished for the most part. It also focused attention on the difficulties police confront when sifting through thousands of tips, some of which, in hindsight, would have proven to be valuable, while others turned out to be red herrings. Law enforcement used the three-week reign of terror as a test of local preparedness for handling emergencies, demonstrating yet again that locals will be the first to respond when the public faces imminent danger. The killings also rekindled debate about the usefulness of ballistic fingerprinting and the importance of maintaining and sending information to the nation's crime databases.

The Beltway sniper shootings left a number of criminal profilers sporting egg on their faces, as some predictions proved to be wildly off the mark. There were two suspects, not one; they were black, not white; they drove a dark sedan, not a white van, they were out-of-state drifters, not local residents with mundane jobs.

Distinct from criminal profiling and its role in such crimes as the Beltway shootings, racial profiling still crept into the year's news in some jurisdictions, often with the first issuance and analy-

sis of traffic-stop data. New Jersey reluctantly made such data public in March, only to leave officials rattled when researchers found that black drivers tended to speed more than whites on certain stretches of highway. Officials tried unsuccessfully to blame the researchers for a flawed methodology, which included using teams to determine the race of motorists from more than 26,000 photos taken of speeders and non-speeders alike. Even with many other localities releasing the first analyses of traffic-stop data, the once-heated rhetoric surrounding racial profiling was more muted in 2002 than it had been in years — perhaps an outgrowth of 9/11.

It would be an understatement to say that law enforcement faces a challenge in the year ahead. Declining budgets, severe labor shortages, continuing terrorist threats and, for some, resurgent Part I crime all combine to equal hard times. With local governments experiencing their worst financial straits in decades, the resources are simply not there to get up to speed. Personnel shortages remain a source of concern as officers continue to be called up for National Guard and military reserve duty. And, to the consternation of some officials, local departments will also have to pick up the slack as the FBI divests itself of some former responsibilities.

Law enforcement continues to be frustrated by local and regional computer systems, many representing large investments of time and money, that fail to live up to expectations and are difficult to use and maintain. Many major federal databases are antiquated and still cannot communicate with each other in any meaningful way. While this is not a new problem for law enforcement, it does take on a higher priority in the aftermath of Sept. 11. This hodgepodge network of information creates an acute vulnerability that will be difficult to correct. Nor is the problem limited to computer systems; emergency radio communications in many areas are dire need of integration and improvements to their interoperability, as a number of post-9/11 studies concluded.

That's not to say that law enforcement isn't better off now than it was 15 months ago. Agencies were able to put in improvements with whatever meager resources were available. Just as dangerous as a lack of resources, however, is a lack of will. An attitude that "it can't happen in our town" may be a luxury in which civilians naively indulge, but one that the government and, by extension, the police cannot afford. A basic premise for the existence and legitimacy of government is its ability to protect its citizens. Has American law enforcement improved its level of prevention and preparedness? Yes. Is it enough to keep America safe? Not yet.



TERROR OF A DIFFERENT KIND: A SWAT team member responds to the scene of a multiple shooting at the University of Arizona School of Nursing in Tucson on Oct. 28, where a gunman opened fire inside a student-filled building. The assailant, a student, killed three people before killing himself.

Don't tell New York, but crime is going up

New York City may be a prominent if surprising exception, but much of the rest of the country is experiencing what analysts and criminal justice experts see as the beginning of the end of the nation's longest-running downturn in crime. And the statistics were there to prove it.

The FBI's Uniform Crime Report for 2001, released this past July, showed overall crime up by 2 percent that year over 2000, and the volume of violent offenses up by 0.6 percent. The number of murders grew by 3 percent, and robberies by 3.9 percent. Western states reported a 1.7-percent increase in crime — the highest of four regions. The South had a 1.0-percent increase in crime, but was the only region to record a decrease in murders — 2.1 percent.

"Murder is the most reliable indicator of serious crime we have," Jack Levin, director of the Brudnick Center on Violence at Northeastern University, told The Boston Herald. "This is the beginning of the turnaround."

Crime also increased slightly, by 1.3 percent, during the first six months of 2002, according to a preliminary report. Statistics released in December month showed a 2.3-percent increase in mur-

der and an increase of nearly 2 percent in rape during the first half of 2002. Burglaries rose by 4.2 percent over the same period in 2001, and motor vehicle thefts by 4.2 percent.

"It was completely unreasonable to

with robberies climbing by 10 percent and aggravated assaults by 1 percent. Those statistics formed the backdrop against which William Bratton, the crime-busting former New York City police commissioner, took office as the

were recorded during the first nine months of this year, compared to 32 for all of 2001. Just why the murder rate increased to its highest level in five years is a matter of dispute between Police Chief Lawrence Johnson and

pared to 31. And there were 29 during the first six months of this year, a figure matching that of 2001. Experts believe the increase is due to the city's Operation Cease-Fire program running out of steam. "As it existed in 1996 or 1997, Cease-Fire is entirely gone," said David Kennedy, a lecturer at Harvard University's John F. Kennedy School of Government who was instrumental in the program credited with cutting Boston's homicides rate by 80 during the 1990s.

Then there are the cities for which the decline in crime has not come to an end — a perception bolstered by data from the latest National Crime Victimization Survey, which showed a 10-percent decline in violent crime for 2001, and a 6-percent drop in property crime.

Leading the pack of localities that would question whether the honeymoon is over is New York. According to statistics released in December by the FBI, the city has the lowest overall crime rate of the nation's 25 largest municipalities, and ranks 197th of 216 cities with populations of more than 100,000. New York may still have more crime than Rancho Cucamonga, Calif., but it has less than Provo, Utah.

Officials reported in December that New York's murder rate had dropped to its lowest level in 40 years in 2002, falling by 12.4 percent to just 536 homicides.

"You take care of the little things and the big things will take care of themselves," said Police Commissioner Raymond W. Kelly. "We have anti-gun initiatives in place that have resulted in major gun cases. We're engaged in old-fashioned narcotics investigations that haven't been done in a while. It's all very effective in reducing the violence."

"You take care of the little things and the big things will take care of themselves."

— New York City Police Commissioner Raymond W. Kelly

expect crime to continue a steep decline," said Samuel Walker, a professor of criminal justice at the University of Nebraska. "Things have turned worse in all economic classes."

Added Michael P. Jacobson, a professor at John Jay College of Criminal Justice: "The economy continually tanking, and unemployment rates increasing, cannot be a good thing in terms of crime, and it is one of the things, obviously, that police can't control."

In city after city, state after state, crime appears to be on the rise once again. According to the UCR:

¶ Los Angeles experienced nearly a 7-percent increase in murders in 2001,

new LAPD chief in October.

¶ Birmingham, Ala., ranked 12th among the nation's deadliest cities, and Alabama third among states, behind Louisiana and Mississippi, in the number of killings in 2001. Birmingham Police Chief Mike Coppage said such factors as more criminals being released, a population at the age where they commit crimes and a faltering economy have all contributed to the rise in violence. But while Birmingham had the highest homicide rate of any metropolitan area in the state, 11.9 per 100,000 residents, the five cities with the lowest overall crime rates were its suburbs.

¶ In Little Rock, Ark., 41 homicides

local prosecutors. Johnson contends that the city's jails are so overcrowded that officers often have to turn suspects loose. The police department is also operating at 32 officers below authorized strength. Prosecutors believe the rise is linked to gang-related activity. "I can tell you based on experience and common sense that when you have an increase in gang activity, you have an increase in drug activity," said Prosecutor Larry Jegley. "The two go hand-in-hand and as a direct result, you'll see more homicides."

¶ Boston saw a 67-percent rise in murders in 2001. There were nearly twice as many homicides reported that year as there were in 1999 — 66 as com-

2002, the year in review:

Once again, a year for serial killers

Investigators tracking serial killers in the United States and Canada enjoyed at least one great success in 2002, and struggled with one enduring mystery.

A Canadian pig farmer Robert Pickton, 50, was charged by December with the murders of 15 women. Pickton is suspected of killing as many as 67 over the past 20 years — a murder toll that would make him the most prolific serial killer ever to strike in North America.

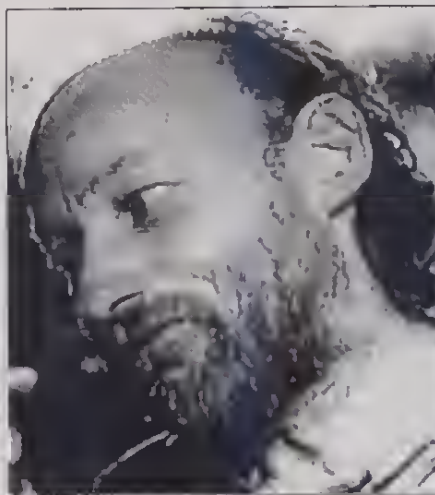
While Royal Canadian Mounted Police officials would not say what led them to investigate Pickton, a task force that includes both national and local law enforcement from Vancouver, British Columbia, has been tearing up the ramshackle hog farm where he is believed to have buried his victims' remains. The excavation of the property, 22 miles from Vancouver in the town of Coquitlam, began in February. Although it has not been confirmed, investigators are thought to have shown relatives of the missing women photographs of shoes, jewelry, jackets and other items recovered from the site.

Police are said to have found DNA of a number of victims at the site.

According to Dr. Kim Rossmo, a former Vancouver police inspector and now research director for the Police Foundation, there was resistance within the department to the idea that a serial killer was on the loose. One problem, he told Law Enforcement News in an earlier interview, was a lack of expertise on the part of local authorities in dealing with serial killers. Another was that the victims were primarily drug addicts and prostitutes.

"Obviously, it did play a role," said Rossmo. "I don't want to simplify it to say they're prostitutes, everyone ignored it...but I think this one fell through the cracks."

Rossmo is the creator of a computer program that uses statistical analysis to narrow down the locations where a serial killer might live or choose his victims. He noted that Pickton took his hog



Robert Pickton, who may be North America's most prolific serial killer.

renderings to a plant in the neighborhood from which the women had disappeared. According to data that he examined while a member of the Vancouver department, and missing-persons data from the national capital in Ottawa, Rossmo found a cluster that began in 1995 and spiked in 1997. While the data suggested that one or two homicide victims would emerge per year from that area, police were seeing five, six, seven or eight. The simplest explanation, he said, was that the city had a serial killer.

Authorities in Baton Rouge, La., meanwhile, continue to be frustrated in their hunt for the individual responsible for the deaths of at least four women. In December, police linked the body of 23-year-old Trineisha Dene Colomb to the same person who killed Gina Wilson Green, 41, Charlotte Murray Pace, 22, and Pam Kinamore, 44. The latter three were sexually assaulted, authorities would not reveal whether Colomb was raped, as well.

Colomb was found beaten to death

in November in the town of Scott. She was the first black victim and first outside of Baton Rouge to be linked to the killer. The Baton Rouge Area Homicide Task Force believes they are looking for a white male. More than 600 men, most of them Caucasian, have submitted DNA samples.

Besides the similarity between the murders of Colomb, whose body was found in a wooded area 20 miles from her car, and the others in Baton Rouge, a white pickup truck was also reported as having been seen parked behind the victim's car on the last day she was seen alive.

Task force officials have said they are looking for a late 1980s General Motors single cab pickup with bad paint, bad window tinting and a partial license plate that includes the letters J.T. and the numbers, 3, 4 and 1.

A serial rapist and murder who took the lives of three Westchester County, N.Y., females, two of them teenagers, was sentenced to 75 years to life in prison in July after DNA evidence clinched his conviction. Patrick Baxter, 32, denied having anything to do with the deaths of Michelle Walker, 14, Patricia England, 19, and Lisa Gibbons, 25, who were killed between 1987 and 1990. A judge ordered the DNA test after Baxter's name came up in all three incidents, he was already serving time for car theft.

In Columbus, Ohio, an analysis by The Columbus Dispatch found that 32 local women either identified by police as prostitutes, or arrested for soliciting, have been killed since 1990. Three-quarters of the killings remain unsolved, in contrast to the 31 percent of all local homicides committed between 1990 through 2000 that remain open. The national average for the same period, according to the FBI, is 34 percent.



The pig farm in Port Coquitlam, British Columbia, where authorities believe Pickton buried his victims' remains. (Reuters)

Law Enforcement News

Founded 1975
A publication of John Jay College
of Criminal Justice,
City University of New York
Gerald W. Lynch, President

Marie Simonetti Rosen
Publisher

Peter C. Dodenhoff
Editor/Associate Publisher

Jennifer Nislow
Associate Editor

Nekeela Trechier De-Haarte
Subscriptions

Nancy Egan
Contributing Writer

Correspondents: Walt Francis, Tom Gitchell, T. Tyler, Ron Van Raalte

Law Enforcement News is © 2002 and published twice monthly (once monthly during July and August) by LEN Inc. and John Jay College of Criminal Justice, 555 West 57th Street, New York, NY 10019. Telephone: (212) 237-8442. Fax: (212) 237-8486. E-mail: len@jjay.cuny.edu. Subscription rates: \$28 per year (22 issues). Advertising rates available upon request.

Requests for permission to reprint any portion of Law Enforcement News in any form should be addressed to Marie Simonetti Rosen, Publisher. ISSN: 0364-1724. Law Enforcement News is available in microform from University Microfilms Inc., 300 North Zeeb Road, Dept. P.R., Ann Arbor, MI 48106.

Child-snatchings are news, but a problem?

Criminologists have deduced that the number of kidnappings committed by strangers is rare, that teenagers are more often the target of such predators than are children and, moreover, that it is virtually impossible to pin down whether such offenses are on the rise. Still, it would have been difficult not to get the impression that the reverse of all that was true in 2002, given the national headlines generated by at least 10 snatchings that occurred between February and August.

"We have considerably better information about the number of people who are injured by farm machinery every year on the number of people bitten by brown recluse spiders than we have for the number of abducted kids," David Finkelhor, director of the Crime Against Children Research Center at the University of New Hampshire, told USA today. "I don't think there's really an epidemic of abductions, but it's really impossible to know."

The abductions and disappearances began on Feb. 2, when 7-year-old Danielle Van Dam was taken from her San Diego home. Her body was found on Feb. 27. A neighbor, David Westerfield, was soon charged and, on Aug. 21, was convicted of her murder.

On June 5, Elizabeth Smart, 14, was

"We have better information about the number of people who are injured by farm machinery every year than we have for the number of abducted kids."

kidnapped from her bedroom in Salt Lake City. She has still not been found. Samantha Runnion, 5, was abducted near her Stanton, Calif., home on July 15. She was found dead the following day. Alejandro Avila, 27, was charged with her murder. Seven-year-old Erica Pratt was snatched nearby her Philadelphia home on July 22 by two men. She astonished police by freeing herself by chewing through the duct tape that bound her hands. And on Aug. 1, two Lancaster, Calif., girls, Tamara Brooks, 16, and Jacqueline Marris, were freed after police shot and killed their kidnapper, 37-year-old Roy Ratliff.

According to experts who have tracked such cases and have analyzed crime data submitted voluntarily in 1997 to the FBI by 12 states, abductions account for just 1.5 percent of reported crimes against children. Men

commit 95 percent of stranger abductions, and 84 percent of kidnappings by acquaintances. They are generally motivated by sex, say criminologists, and are usually younger than 35.

Girls are more frequently taken than boys, accounting for two-thirds of the victims. Statistics cited by USA Today found that in kidnappings by acquaintances, adolescents are the victims 71 percent of the time. Strangers are more likely to abduct teenagers.

The numbers are confusing, however. While police entered 59,600 missing children in May into a database, they removed 57,998 who had been found, or were the subject of a custody battle between parents. The net increase was 1,602.

Yet during the first eight months of 2002, 62 kidnapping cases were opened by the FBI; 93 cases were opened for all of 2001; 103 in 2000, and 134 in 1999. And Justice Department officials estimate that between 2,400 and 3,600 children are taken by strangers and acquaintances each year. These include cases that did not involve the FBI, and those where the children were found quickly, either dead or alive.

"There doesn't seem to be a firm number," said Chase Foster, a spokesman for the FBI National Center for the

Analysis of Violent Crime.

Technology is credited with helping improve the recovery rate of missing children. While the figure was 62 percent in 1989, according to the National Center for Missing and Exploited Children, it is now 93 percent. The rate for all cases reported to police is 99 percent, The New York Times reported.

In the 5 percent of cases in which the kidnapper is not a family member, said the center, the rate of recovery has jumped from about 35 percent prior to 1990, to approximately 90 percent now.

"Technology has made a difference

at every juncture," said Ernie Allen, the center's chief executive. "It has helped us to get information out to the public. It has enabled us to capture lead information. And it has enabled us to analyze that lead information and get it to law enforcement."

The center's Web site, www.missingkids.com, has more than 2,500 photos and profiles from around the world. Some 320 children have been recovered with the help of age-progressed images that can be created in approximately four hours with off-the-shelf photo-editing software.

2002, the year in review:

Wiping a smile from mailbox bomber's face

Lucas Helder, 21, who struck terror throughout the Midwest in May with the pipe bombs he allegedly placed in rural mailboxes, was stopped by police three times for traffic infractions during his crime spree, and three times he was let go, before he was finally arrested in Reno, Nev., after his father turned him in.

Now he faces federal charges that could put him behind bars for life.

A junior at the University of Wisconsin-Stout, Helder is accused of planting 18 bombs in five states — Iowa, Illinois, Nebraska, Colorado and Texas — from May 3 to May 6. Six of the devices exploded, injuring four letter carriers and two residents.

His father, Cameron Helder of Pine Island, Minn., called police in the middle of the night after reading a letter from his son that referred to the bombings.

In an affidavit, FBI agent Mark Heavrin said Helder admitted to making 24 bombs — eight in his apartment in Menominee, Wis., and 16 in a Nebraska motel room. Six bombs were found with him when he was arrested.

In the letter, Helder spoke of death and dying, expressed anti-government sentiments, and used the phrase "Mailboxes are exploding." He wrote "If I don't make it through this ordeal (if the gov't doesn't realize I can help) then I'll have to get out of here for a while."

Helder's roommate, James Divine, told federal agents that he had called Helder's father with his concerns. Under Helder's bed, his father found two large plastic bottles that said shotgun or gun powder, a store receipt for 15 to 20 pipe casings, a box of paper clips, a funnel and a large box of nails.

Helder was pulled over three times by law enforcement as he drove 1,500 miles across the region in an attempt, he said, to create a "smiley face" pattern of mailbox bombings. When stopped by a highway officer near St. Edward, Neb., Helder blurted out, "I didn't mean to hurt anyone." The officer told him he was just getting a speeding ticket.

Fourteen hours later, an Oklahoma trooper stopped Helder for driving without a seatbelt, but let him go. The next day, he was stopped again, this time by a Colorado trooper for speeding. Helder, he said, looked like he was going to cry. Again, the suspect was allowed to go. Within 48 hours, Helder was arrested on bombing charges after police traced his cell-phone calls.

"He was just your average, everyday American boy driving down the road," said Oklahoma Trooper Cody Rehder. "He didn't seem unusual at all."

Helder was charged by federal prosecutors in Cedar Rapids, Iowa, with using an explosive to maliciously destroy property affecting interstate commerce and with using a destructive device to commit a crime of violence. He also faces charges in Iowa's other federal district court, as well as in Illinois and Nebraska.

2002, the year in review:

Amber Alert sweeps the nation

The greatly expanded use in 2002 of statewide child-abduction alerts is watering down their impact, particularly when used in cases involving runaways or family members, some law enforcement experts claim.

Since the creation of the Amber Alert program in Texas in 1996, in which local police agencies work with media outlets to get the word out immediately when a child is reported missing, other states have followed suit. According to the National Center for Missing and Exploited Children, which helps coordinate the alerts, there are 37 plans in place nationwide, including statewide programs in Arkansas, California, Connecticut, Illinois, Maine, Pennsylvania and Utah.

In October, West Virginia officials said they would be adding lottery tickets and video lottery terminals to the highway signs, TV and radio stations and marquee of private businesses which currently alert residents to child abductions.

The information will be posted on all game tickets. New York, Florida and Nebraska also include Amber Alerts on lottery tickets and terminals.

"We're trying to close off the state, in effect, by making West Virginians as aware as possible of an abduction," said Gov. Bob Wise.

America Online said it would begin transmitting Amber Alerts in November to the personal computers, pagers and cell phones of its 26 million subscribers. The service would be voluntary and only target specific users, not spam members across the country, said officials from the missing children's center.

"This is really the first time that an entity such as AOL has reached out to all the existing Amber plans across the states," said Nicholas Graham, a com-



An Amber Alert sign along a New York highway asks passing motorists to be on the lookout. (Reuters)

pany spokesman.

The Amber Alert concept has become so popular that the White House said in October that President Bush would create a position for a Justice Department Amber Alert coordinator, who will disburse \$10 million to develop and upgrade such systems nationwide.

But it was a statewide activation in Nevada that month, when a 14-year-old girl was taken by her birth mother, that gave some advocates of the initiative cause for concern.

"This is a plan for the most serious child abductions, where a child's life is in danger, and in the vast majority of cases, that's abduction by a stranger," said Tarrant County, Texas, Sheriff Dee Anderson, a founder of the Amber Alert movement. "That doesn't rule out cases involving family members, but that's in the minority of cases. This is the very thing that we have always worried about, that people would lose interest because of overuse."

Another potential problem was noticed, and quickly addressed, by the

California Highway Patrol in October, when it ordered freeway signs flashing an Amber Alert sign to be turned off because motorists were creating a traffic jam by slowing down to read the sign.

Still, the prevailing view would seem to side with that voiced by Molly Bedell, a Newport News, Va., police detective who organized the local effort to create an Amber Plan. "If we can prevent just one death, it's worth it," she said. "But we don't want to overuse it."

Beltway snipers confound expectations

How police finally ended deadly 'cat-and-Moose' chase

It looked in December as if accused Beltway snipers John Allen Muhammad and John Lee Malvo had confounded expectations yet again.

Authorities this month said that they now believed it was the 17-year-old Malvo, and not his 41-year-old partner, former Army infantryman Muhammad, who was the shooter in the rampage that terrorized the Maryland and Virginia suburbs of Washington, D.C., for three excruciating weeks in October.

After reviewing the evidence, members of the sniper task force say that the lack of evidence against Muhammad will complicate prosecutors' efforts in getting a death sentence. "There is not much pointing to Muhammad, and that is going to make it really hard to show that he was the triggerman," a senior law enforcement official told The New York Times. "There are other ways to attempt to obtain a death sentence, but this lack of evidence has been one of the most perplexing things about the case."

Experts have been proved wrong here from the start, as profilers pegged the sniper as a single white man, when in fact there were two, both of them black. The experts believed the shooter would live nearby the victims; Malvo and Muhammad lived in Tacoma, Wash. The two drove a blue Chevrolet Caprice sedan, not a white van, as authorities believed.

"Nothing is what it seems in this case," said Douglas F. Gansler, the state's attorney in Montgomery County, Md., where six of the shootings occurred.

The murders began on Oct. 2 when a shot fired from a high-powered rifle killed James D. Martin, 55, in a supermarket parking lot in Wheaton, a town in Montgomery County. James L. Buchanan, 39, was shot the next day in the chest while he mowed a lawn near a shopping mall in Rockville, Md. Then Sarah Ramos, 34, was killed while sitting on a bench outside a Montgomery County post office. Lori Ann Lewis-Rivera, 25, was next, killed vacuuming her van in Kensington, Md. Pascal Charlot, 72, was shot dead near a bus stop in Washington, D.C.

On Oct. 4, the focus shifted south, after a 43-year-old woman was shot in the back as she loaded shopping bags into her car outside of a store in Fredericksburg, Va. She survived. At that point, police had linked the killings to the same .223-caliber weapon. Three days later, on Oct. 7, the sniper struck again, wounding a 13-year-old boy in front of his Bowie, Md., school. A Tarot death card found near the scene bore the ominous-sounding message: "Mr. Policeman, I am God."

Dean Harold Meyers, 53, was shot dead as he pumped gas in Manassas, Va., on Oct. 9. Kenneth H. Bridges, 53, was killed at a gas station near Fredericksburg on Oct. 11. Linda Franklin, a 47-year-old intelligence analyst for the FBI, was shot in the head in Falls Church, Va., in a Home Depot parking lot on Oct. 14. On Oct. 19, a 37-year-old man survived after taking a bullet in the abdomen outside of a Ponderosa Steak House in Ashland, Va. The snipers claimed the last victim, their 13th, on Oct. 22 in Silver Springs, Md., when they gunned down 35-year-old Conrad E. Johnson.

Federal, county and local law enforcement agencies were involved in the 23-day manhunt, in what was said to be the largest investigative team ever assembled in a case involving a local murder. Police chased down 16,000 leads culled from more than 100,000 calls made to a special tip line. Montgomery County Police Chief Charles A. Moose became the public face of the investigation, leading the probe in partnership with Michael R. Bouchard of the Baltimore office of the Bureau of Alcohol, Tobacco and Firearms, and Gary M. Bald of the Baltimore office of the FBI.

"Local law enforcement asks for help from federal law enforcement with a lot of hesitation," said Moose. "We've got to get past it. Hopefully, there is a lesson here that it can work. I might still have people dying because I could not resolve my issues with the feds."

After intensive discussions with his federal counterparts, Moose sent messages to the snipers through the media. Another note found at the Ashland scene threatened more murders if calls made by the killers to the hotline were not taken seriously. Incompetent call takers, the message said, had already cost five lives. It also contained a ransom demand, along with a PIN number and 16-digit account number. "We will have an unlimited withdrawal at any A.T.M. worldwide," said the letter.

In his first direct contact with the snipers through the news media, Moose said: "To the person who left us a message at the Ponderosa Saturday night, you gave us a telephone number. We do want to talk to you. Call us at the number provided."

Authorities had already received a phone call on Oct. 21 that directed them to a robbery-murder in Montgomery — not the county in Maryland, but the Alabama capital. The caller, who is said to have been one of the snipers, bragged to a priest in



Law enforcement officers search the Chevrolet Caprice in which John Allen Muhammad and John Lee Malvo were sleeping when police arrested them at a truck stop near Myersville, Md., on Oct. 24. Alleged Beltway snipers Muhammad and Malvo face trial in Virginia under a 2001 anti-terrorism statute.

Ashland about an unsolved crime committed on Sept. 21 at a liquor store, in which a fingerprint was left behind on a magazine about guns. Police were able to trace that print to Malvo, and from there to Muhammad and their vehicle, a Caprice.

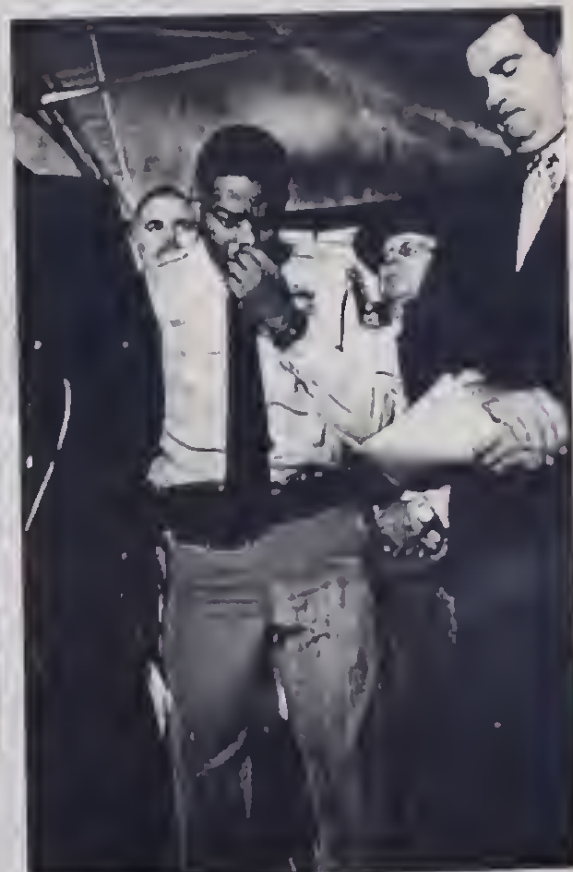
On Oct. 23 a tree stump was removed from outside a home in Tacoma, Wash., after investigators had chased down a tip from someone who believed Muhammad might have used it for target practice. An Air Force C-17 was supplied to fly the stump back to the District of Columbia for testing, in the belief that it might contain bullet fragments. The 1990 blue Chevrolet Caprice was traced through motor vehicle records to New Jersey. The names John Lee Malvo and John Allen Muhammad were released to the public, along with a description of their vehicle. After the weeks of escalating public tension, they were captured without bloodshed on Oct. 24 at a truck stop near Frederick, Md., after a trucker noticed their car and alerted police. Inside, police found a semi-automatic Bushmaster XM15 capable of firing .223-caliber bullets. Ballistics tied the rifle to 11 of the 13 shootings.

Muhammad and Malvo, a Jamaican immigrant who was smuggled into the U.S. illegally, will be tried in Virginia under a new anti-terrorist statute. It will be the first time the law has been used and its enactment in July was a key reason why the state was given first crack at the accused, according to aides for Attorney General John Ashcroft. Under a provision of the statute, prosecutors do not have to prove who fired the shots in order to win a death penalty conviction.

But lawmakers are uneasy with the prospect of using the law, passed after the Sept. 11, 2001, attacks, for this type of case. Said state Delegate James F. Almand, a Democrat from Arlington. "There is a possibility that the terrorism law might open the door to all sorts of capital prosecutions we did not intend." Virginia was second in the nation last year in the number of inmates executed, behind Texas.



Muhammad (top) and Malvo.



Police Chief Charles Moose pauses during a moment of silence after he announced the arrest of the alleged snipers.

Should Muhammad be convicted solely under the law, officials said it is likely that any death sentence would face numerous appeals. To try and obtain a conviction under Virginia's traditional capital murder law, prosecutors would have to prove that Muhammad was the triggerman. That would be difficult, they said, with much of the evidence now pointing toward Malvo, including hair linked by DNA to the teenager, which was found in the sniper's nest carved into the trunk of the Caprice.

"There is not much pointing to Muhammad, and that is going to make it really hard to show that he was the triggerman," said a senior law enforcement official. "There are other ways to attempt to obtain a death sentence, but this lack of evidence has been one of the most perplexing things about this case."

Legislative fingers point to FBI, CIA lapses

FBI agents initially suggested it, and in December a Congressional committee confirmed it. The nation's intelligence agencies mishandled information suggesting that Muslim extremists were considering using jetliners in suicide attacks on American soil.

In the 10 months since lawmakers began investigating the intelligence community's response to the terrorist threat — and its failure to prepare for or prevent the Sept. 11 attacks — at least two points have become clear: the hoarding of information by agencies, including the FBI and the CIA, hurt counter-terrorism efforts prior to 9/11; and no plan was put into place for combating the threat posed by Osama bin Laden.

Among the key findings of the 37-member Joint Investigative Committee, consisting of members of both the House and Senate intelligence committees, were that intelligence agencies failed to give high priority to tracking Khalid Shaikh Mohammad, believed to have been the Al Qaeda leader who came up with the plan for flying jets into the World Trade Center and the Pentagon.

Mohammad, who had been under indictment for an earlier plot to hijack and destroy airliners, is one of the FBI's most wanted fugitives, with a \$25-million reward for his capture. Considering how dangerous a threat he posed, the committee said, the intelligence community placed a low priority on him and focused mainly on arresting him for his past deeds rather than trying to penetrate his involvement in future plots.

When it came to sanctioning individual agents or officials who failed to follow up on terrorist leads, however, lawmakers left the meting out of pun-



FBI Director Robert Mueller
Points to racial-profiling concerns.

ishment to the discretion of the CIA, FBI and other agencies.

Senator Richard Shelby (R-Ala.) argued that the panel should have specified who did not perform, particularly those FBI supervisors who rejected requests for a national security warrant that would have authorized the search of Zacarias Moussaoui's belongings after his arrest on Aug. 16, 2001, for immigration violations. The same supervisors, he said, failed to link the arrest with a memo from the FBI's Phoenix field office urging a canvass of Middle Eastern students attending flight schools.

Shelby singled out CIA Director George Tenet, former FBI Director Louis Freeh and National Security Agency head Michael Hayden for criticism. In a minority report he issued, Shelby said that while they and others in the intelligence community are not

responsible for the attacks, "these officials failed in significant ways to ensure that this country was as prepared as it could have been."

The panel recommended that the position of a national director of intelligence be established, with Cabinet-level rank and control of the intelligence community's estimated \$35-billion annual budget. Creation of such a post has been strongly opposed in the Pentagon and the CIA.

The committee also suggested that intelligence-gathering priorities be revamped by the White House so that agencies do not become overburdened and can remain focused on terrorism. Other recommendations included the development of a government-wide strategy for combating the terrorist threat, the possibility of an MI-5 type intelligence agency separate from the FBI or CIA and a review of officials' actions prior to Sept. 11 by the inspectors general at the CIA, FBI and other agencies.

"Systematically, we concluded that the intelligence community was not properly postured to meet the threat of global terrorism against the people of the United States," said the committee's chairman, Senator Bob Graham (D-Fla.).

2002, the year in review:

High-profile busts try to catch terrorist "sleepers" napping

Federal agents and prosecutors, often with local help, turned their attention to terrorist "sleepers," sympathizers and supporters operating on U.S. soil this year, rounding up numerous individuals in high-profile busts from Portland, Ore., to Lackawanna, N.Y.

In Portland, six suspects were indicted by a grand jury in October on charges of conspiring to provide material support and resources to al Qaeda, and conspiring to contribute services to the terrorist group and the Taliban.

The defendants included a husband and wife, 32-year-old Jeffrey Leon Battle and October Martinique Lewis, 25; Patrice Lumumba Ford, 31, and Muhammad Ibrahim Bilal, 22. The other two suspects, Bilal's brother, Ahmed Ibrahim Bilal, 24, and 37-year-old Habis Abdullah al Saoub, were still at large when the others were brought into custody.

"A group of Oregon residents, most of whom are U.S. citizens, after Sept. 11 decided to go to Afghanistan and fight for al Qaeda and Taliban against the United States military," said Charles Gorder, an assistant U.S. attorney in Portland.

The arrests capped a 10-month investigation by federal agents, who were alerted when a sheriff's deputy spotted four of the suspects firing weapons at a gravel pit in Washouak, Wash. The incident was reported to the FBI.

Five of the suspects allegedly left Portland for Afghanistan in October 2001, but were not able to cross over from China. Lewis wired Battle money eight times, totaling \$2,130, with the knowledge that the funds would be used to fight U.S. forces, said Attorney General John Ashcroft.

In Lackawanna, outside of Buffalo, indictments were handed up in October against six men of Yemeni descent accused of being a terrorist sleeper

cell awaiting orders to attack. The "Lackawanna Six" were arrested on Sept. 13, charged with taking clandestine trips in 2001 to Afghanistan, where they heard lectures on suicide attacks and learned how to fire automatic weapons at an al Qaeda training camp. Attendance at the camp would constitute providing support to a terrorist organization, said prosecutors.

Two of the defendants admitted to the training and to hearing a speech by Osama bin Laden, but all six deny providing any actual support to al Qaeda. Two other men were also charged, including one believed to be the ringleader. A U.S. citizen named Kamal Derwish is believed to have been killed in Yemen by an American missile. The name provided by Yemeni authorities, Ahmed Hijazi, was a known alias of Derwish. The evidence is not conclusive, however, one U.S. official told The New York Times.

Authorities became interested in the men when three of the suspects went through Kennedy Airport in New York on June 27, 2001, with Pakistani exit stamps on their passports. An e-mail message sent by one man to an alleged co-conspirator in western New York so disturbed agents that authorities increased security at military bases in Bahrain and closed the embassy there. It read "Blessed is he who picks up a gun, for he is holy." And, "The next meal will be very large, this thing will be very strong."

In August, a black Muslim activist in Seattle, James Ujaama, 36, was indicted with plotting to open a terrorist training camp in Bly, Ore., in 1999. He also led discussions about poisoning the public, firebombing vehicles and building underground storage bunkers for weapons, said authorities, who also contend that Ujaama traveled to Afghanistan that year. He had been held

Al-Shehhi. It stated that INS was inconsistent in requiring documentation from foreign students, a problem that has undermined the government's ability to track such individuals once they are in the U.S.

In testimony before a Congressional committee, FBI Director Robert S. Mueller III said concerns about perceived racial profiling may have hampered agents from taking certain actions. A case in point, said Mueller, was the Phoenix-based agent's memo urging a probe of Arab men training at U.S. flight schools.

Law enforcement officials within the Department of the Interior were unprepared to provide accurate and timely information on the number and location of personnel who could respond and help investigate the attacks on the World Trade Center and Pentagon, according to a report released in May by the agency's inspector general.

In a seeming nod to the Amherst Alert system, an expert panel of emergency managers in November called for the creation of a system that would allow the government to issue warnings of terrorist attacks through cell phone, television and radio, telephone and possibly through computer chips embedded in devices.

since July as a material witness in the continuing investigation.

Another indictment was handed up in August involving five Detroit men accused of operating a sleeper cell for a group allied with al Qaeda. Four defendants — Karim Koubriti, Ahmed Hannan, Youssef Hmimssa and Farouk Ali-Haimoud — have been in custody since authorities raided their apartment a week after the Sept. 11 attacks. Found there was a videotape with surveillance footage of Disneyland in Anaheim, Calif., and the MGM Grand Hotel and Casino in Las Vegas.

In November, authorities in North Carolina arrested a fifth man, Abel-Ilah Elmaroudi, 36, who is believed to be an expert in airport security.

A Boston-area software firm, Ptech Inc., was raided by federal agents in December after a former employee suggested that the company was hacked financially by a Saudi millionaire with suspected terrorist ties. Yasin al-Qadi, who once headed a charity believed to be a front for Osama bin Laden's terrorist network, is listed by the Treasury Department as a "blocked person," making it illegal for the company to do business with him.

Ptech creates software that provides a type of blueprint for how an organization operates, allowing users to cull and analyze information in various databases, according to The Times. Its clients include the Navy, the FBI, the Air Force, the Department of Energy and NATO. Federal agencies seemed to disagree as to whether the software could be used to infiltrate federal databases. While the FBI described it as "off the shelf," and posing no risk, other law enforcement agencies, including the Customs Service, said the inquiry "has the potential to be a big deal" both in terms of financing and software, said one law enforcement official.



Eerie echoes

The tail section of a Cessna 172R airplane dangles from the Bank of America office tower in Tampa, Fla., after Charles Bishop, 15, stole the plane and crashed it into the building on Jan. 5. Officials in the general aviation industry warned the public against overreacting to the latest suicide flight, and military officials said Bishop posed little potential danger to nearby MacDill Air Force Base. A suicide note found on Bishop's body expressed sympathy for Osama bin Laden and the terrorist acts of Sept. 11.

(Reuters)

Domestic security demands more of local PDs

Despite a paucity of both funding and guidance from the federal government, local law enforcement has responded with vigor and creativity to the challenge of holding down the domestic front lines against terrorism. In some areas, it was with a neighborhood watch group whose expanded mission includes keeping an eye out for suspicious behavior that suggests terrorists. Other agencies focused on improving computer networks and communication systems. Some grew from being strictly locally-oriented police departments to ones with a decidedly more global view of their role and responsibilities.

In December, a decision was made by the White House to temporarily withhold some \$1.5 billion in law enforcement and anti-terrorism assistance allocated by Congress for local police agencies. The funds included money for the Community Oriented Policing Services program and for first responders to terror attacks.

"We've got lots of agencies with hiring freezes, and now they're going to have to look at further budget cuts and layoffs," said Trina Hembree of the National Emergency Management Association. "I don't understand how we can keep being told about imminent attacks on the country, but with no funding to increase our preparedness."

Money for the programs had been built into a stopgap spending measure that would carry the government at 2001's level until Jan. 1. But that move made it impossible to disperse money to localities when the Justice Department could not plan out its budget, said Assistant Attorney General Deborah J. Daniels in a letter to municipal agencies. The Justice Department will wait until it gets a full appropriation from Congress several months from now.

"At this point we can only speculate on the availability of resources for the balance of the fiscal year," said Daniels, who is in charge of the Office of Justice Programs.

According to a survey of city officials released in December, one-quarter of municipalities reported having problems meeting their public safety needs while addressing homeland security issues. One-half said they were having more difficulty performing expected public safety roles.

Nearly two-thirds of U.S. cities with populations greater than 100,000 said they had shifted money or personnel to cover municipal needs.

"For 13 months we have been doing these additional duties without any reimbursement or assistance from federal and state officials," said Michael Guido, the mayor of Dearborn, Mich., and co-chair of a homeland security task force for the National League of Cities.

At the U.S. Conference of Mayors early in the year, the cost of heightened security was estimated at \$2.1 billion for 2002. A proposal to provide \$3.5 billion in funding to first responders is expected to be considered by Congress again in 2003.

Then there is the issue of direction, as public safety and security directors around the country regularly complained that they were receiving little cooperation from either state or federal authorities.

"The designation as 'chief state czar for domestic preparedness' was about as effective as the piece of paper it was written on," said Juliette Kayyem, executive director of the Executive Ses-

sion on Domestic Preparedness at Harvard University's John F. Kennedy School of Government.

Around the nation, local authorities did what they could to protect their communities and the country from terrorist attacks:

¶ In Pasadena, Calif., the police department created its own threat matrix system to prioritize the continual stream of alerts from federal agencies, with the highest level reserved for those that specifically target Southern California. The system has cut down on overtime spending.

¶ Des Moines police developed an intelligence-sharing system called Cop-Link, which has an artificial intelligence components allowing it to combine data so that municipal and county law enforcement do not have to call each other to find out what information the other might have.

¶ The development of a \$74-million National Center for Disaster Decision Making in Portland, Ore., will bring to the state experts in law enforcement, politics, fires services and other areas for advanced simulation and classroom training.

¶ In Stafford County, Va., a Homeland Security Neighborhood Watch was developed to train participants living nearby railroads, airports and other key areas for noting license-plate numbers, directions of travel and descriptions.

¶ A Health Alert Network in Virginia is providing 100-percent coverage to the state's hospital emergency rooms, state and local health officials and law enforcement, according to a Virginia Health Department report released on Nov. 1 to the U.S. Centers for Disease Control.

¶ The New York City Police Department created two new senior positions in 2002 and filled them with a former CIA spymaster, and a retired Marine Corps lieutenant general. As deputy commissioner for intelligence, David Cohen was charged with placing a new emphasis on investigating terrorism, international crime, drug trafficking and

money laundering. Retired general Frank Libutti, the department's new deputy commissioner for counterterrorism, will oversee specialized training in terrorism response for the force, as well as prevention and investigation. Libutti will also serve as liaison between state and federal agencies.

"The days when you could just focus on crime and quality-of-life violation suppression are over," said Kelly. "Not that we're going to back away from that, that's a core mission of the organization. But now you have this whole other area that has to be focused on. We're going to be involved in that for a long, long time."

In addition, the department began assessing the language skills of its personnel, looking for those who could speak Pashtun, Arabic, Fujianese, Urdu and other dialects. The department said it planned to send officers on informa-

tion-gathering assignments for its Intelligence Division, including travel to the Middle East and Europe, among other regions.

¶ A plan to include the expiration date of immigration visas on driver's licenses was implemented in July by Minnesota Public Safety Commissioner Charlie Weaver after he was given a green light by the state's chief administrative law judge. Minnesota became one of a number of states to link visas with licenses on the grounds that tens of thousands of immigrants could be using driving permits as proof of identity when they are here illegally.

"There is still some legislation that has been introduced at the federal level that would tie the expiration of a driver's license to the expiration of someone's visa document," Jason King, the executive director of the American Association of Motor Vehicle Admin-

istrators, told Law Enforcement News. "At the state level, it's still a very mixed bag."

¶ The Justice Department in June withdrew its plan to use local law enforcement to enforce immigration law, much to the relief of many of the nation's chiefs. Beyond the added burden it would put on departments that already have their hands full, such a policy would create a climate of fear, said Sacramento, Calif., Chief Arturo Venegas Jr.

"We've spent years building a trustful relationship with our immigrant communities," echoed Arlington County, Va., Chief Edward Flynn. "It was with great difficulty that we convinced them that we are not just junior immigration officers. We understand things have changed after September 11, but we are not eager to enforce general immigration laws."



In a scene repeated in cities nationwide, Nashville emergency response personnel practiced techniques during a simulated hazardous-materials scenario.

2002, the year in review:

Courts grapple with anti-terror issues

Just how far can the federal government go when conducting surveillance in the name of domestic security? Can immigration, detention and deportation proceedings be kept secret for the same reason? Such questions appeared prominently on this year's court dockets, and not everyone was likely to have been happy with the answers.

¶ A three-judge panel of a special appeals court ruled in November that the government can take advantage of sweeping surveillance powers granted by Congress under the USA Patriot Act. The ruling overturned an earlier decision by the secret Foreign Intelligence Surveillance Act (FISA) court that overrules secret surveillance by U.S. agents in foreign intelligence cases. The FISA court's ruling, which sought to limit Attorney General John Ashcroft's interpretation of those powers, was the first the court had publicly issued since its creation 24 years ago. But according to the decision by the three-judge appellate panel, the assignment of foreign intelligence probes rested with the attorney general. The FISA court, it said, had no authority to inquire into the "origins of an investigation, nor examination of the personnel involved."

¶ In December, the U.S. Court of Appeals for the Third Circuit upheld an earlier ruling that had

found the Bush administration had acted lawfully in holding secret deportation hearings in cases in which it was believed those detained could be linked to terrorists. By a 6-to-5 vote, the circuit court refused to hear a petition by the ACLU to open the hearings to the public.

¶ Judge Robert M. Takasugi of the Federal District Court in Los Angeles ruled in June that a 1996 law classifying foreign groups as terrorist organizations is "unconstitutional on its face," and thus could not be used as the basis for criminal charges against seven people accused of funneling charitable donations to a group linked to the 1979 takeover of the U.S. Embassy in Tehran. The law, which makes it a crime to provide "material support" to any foreign organization deemed a threat to national security by the State Department, was a cornerstone in the government's case against John Walker Lindh. But the statute, Takasugi ruled, gives these groups "no notice and no opportunity" to contest their designation as a terrorist organization, which was deemed a violation of due process.

¶ In October, Judge Leonie M. Brinkema of Federal District Court in Alexandria, Va., ordered a six-month delay in the trial of accused terrorist Zacarias Moussaoui. Moussaoui had requested the delay, the second granted in the case, because a

two-day search of his cell for 48 secret FBI reports he had inadvertently received disrupted his defense preparations. Prosecutors in September had urged Brinkema to go further in keeping secret documents filed by Moussaoui that could contain coded messages to Al Qaeda followers. Brinkema has already refused to make public several of the defendant's court filings, but prosecutors asked she instruct the court clerk to refuse to accept into the record any filing containing "threats, racial slurs, calls to action, attempts to convey messages to someone other than this court, or other irrelevant and inappropriate language."

¶ In a 102-page ruling in December, Judge Michael Mukasey of the U.S. district court in New York City held that a federal court has jurisdiction to decide whether a U.S. citizen was properly designated an "enemy combatant." The case involves Jose Padilla, a man charged with plotting to detonate a radioactive dirty bomb. Padilla, a former Chicago gang member who converted to Islam, is accused of meeting with al Qaeda leaders. According to Mukasey's ruling, the defendant, who has been held incommunicado, has the right to meet with his attorneys and challenge his detention. The government contends that Padilla has no rights as an enemy combatant.

A new perspective on consent decrees?

It may be a reflection of a change in administration, or the product of significant steps taken by some police departments to improve their policies and practices, but law enforcement seemed better able to work out its differences with the Justice Department in 2002.

There was no greater evidence of this than in Columbus, where the city successfully fought off a civil rights suit brought three years ago by federal prosecutors. On Sept. 3, U.S. District Judge John Holschuh dismissed the case after officials outlined the measures it had taken to correct problems identified by a Justice Department probe.

City leaders had been willing to sign a consent decree that would have put the department under the scrutiny of a federal monitor, but members of the local Fraternal Order of Police wanted no part of it. After a federal magistrate made the organization a party to the suit, the FOP began assessing members \$25 a month to pay for the subsequent litigation.

"Now that this is done, the FOP felt they were right that they did it, and the officers are happy," said Bill Capretta, president of FOP Capital City Lodge No. 9. "We could get rid of the assessment, which was money coming out of their paycheck, but more important, there is no federal intervention, no federal mandate on the city of Columbus. They just pulled up their stakes and left."

The Pittsburgh Police Bureau was also let off the hook this year when the Justice Department decided the agency had fulfilled the demands of a five-year-old consent decree and released it from federal supervision.

On Sept. 13, U.S. District Judge Robert Cindrich granted a motion filed jointly by federal prosecutors and the city. Overruling the objections of civil-rights groups, he commended the department and Police Chief Robert W. McNelly for implementing an early-warning system for spotting troubled officers, among

"Not like the last administration, where they wanted to put you in there and bury you there forever."

— Gene Grattan Jr.,
president of FOP Lodge No. 1, Pittsburgh

other initiatives.

But Gene Grattan Jr., president of Fraternal Order of Police Lodge No. 1, said the victory was achieved in good measure to the Justice Department's changed attitude under Attorney General John Ashcroft.

"Not like the last administration, where they wanted to put you in there and bury you there forever," he said. "If you weren't in compliance the first five years, they'll put you in for a second five years, and so on."

The experiences of Columbus and Pittsburgh may be instructive for other jurisdictions whose difficulties with the Justice Department are just beginning.

¶ The Schenectady, N.Y., police became the subject of a probe by the DoJ's civil rights division in June after years of complaints by civil rights activists in the city's Hamilton Heights section. Since 1999, approximately one-third of the 120 people arrested by local officers have blamed police for their injuries, according to records kept by Schenectady County Sheriff Harry Buffardi.

¶ Tulsa's Fraternal Order of Police Lodge 93 voted in April to triple members' dues, to \$75 a month, in anticipation of a fighting an agreement that would settle a discrimination lawsuit filed against the city by black officers. The settlement would require

the agency to review its recruitment methods, and create advertisements that educate citizens on how to file a complaint against officers. By year's end, the settlement had still not been finalized, and the FOP was moving ahead with a lawsuit claiming that it was denied input into the proposed agreement.

¶ The Cincinnati Police Division has a new overseer for its reform effort, after the monitor originally appointed to oversee agreements on police reforms was fired due to a financial dispute. Dr. Alan Kalmanoff, director of the Institute for Law and Policy Planning in Berkeley, Calif., was terminated after submitting a \$55,241 bill to the City Council for his first 19 days on the job. In December, after lengthy negotiations behind closed doors among the parties to the agreements, a federal judge appointed Saul A. Green, a former U.S. attorney in Detroit, to the post.

¶ In its first quarterly report released in August, the Office of the Independent Monitor reported to the Justice Department that Washington, D.C.'s Metropolitan Police Department early-warning database system "falls far short" of the standards required under a consent decree. While the police department has improved its use-of-force investigations, its Performance Assessment Management System failed to record complete information, according to the report.

¶ Officials in Detroit are taking steps to clean up their own house in order to avoid having the Justice Department unilaterally impose a lengthy list of reforms on the police department. Following an investigation launched in December 2000, federal civil-rights officials had given the department more than 175 recommendations for reforming policies and practices. In hopes of avoiding a consent decree, Detroit police officials have rolled out a revised policy manual — the first in 30 years — that addresses procedures ranging from use of force to prisoner handling.

2002, the year in review:

Trying harder to fill depleted ranks

A scarcity of suitable candidates — even in 2002's poor economy — led a number of police departments around the country this year to do some rethinking with regard to the qualifications they were willing to accept in their applicants.

Leading the retreat were the Virginia State Police, and the Waco, Texas, Police Department, each of which threw out old policies regarding recruits' prior drug use.

In Waco, under a new standard applied in August, applicants may not have smoked marijuana in the previous two years. The old policy called for the rejection of applicants who had smoked marijuana more than 50 times.

Anyone who has tried drugs such as heroin, cocaine, or methamphetamine — even once — continues to be automatically eliminated

"I don't know if it actually would make a difference in the numbers or not, but you're kind of getting into the age of applicants that the majority seem to have used marijuana," said Sgt. Sherri Swinson. "What we're doing is looking at the overall person."

The Virginia State Police in February implemented new guidelines that allow those who have tried heroin, cocaine or any other Schedule I or Schedule II drug more than five years before applying to still be considered. Use of those drugs more than once, however, means automatic disqualification, as does any use of LSD or PCP. Applicants who have smoked pot more than once can also be considered, but not if they have used the drug within the previous 12 months. And a DUI conviction, as long as it occurred more than five years before applying, is no longer a deal

breaker.

Lt. Col. Donald R. Martin, the state police superintendent, said the guidelines are fairer because they take into account an applicant's "entire employment and life history." Said Martin, "Our present policy would not allow us to even consider that person at all, even if they've lived an exemplary life."

Drug-history standards weren't the only applicant qualifications to fall victim to difficulties in recruitment. In Bangor, Maine, police officials tossed out a decade-old requirement that applicants have either a two-year criminal justice degree, or two years of full-time law enforcement experience. Now, prospective officers need only be 21, have a valid driver's license, and a high school or equivalency diploma.

The agency was only able to come up with no more than three qualified candidates out of a pool of 20 to fill five vacancies. Nearly one-third of applicants fail the Maine Criminal Justice Academy's agility test, and another one-third to one-half are eliminated during the background check.

"We want to expand the number of applicants we get because I'm convinced there are people out there in the community who would do a real good job as a police officer who might not necessarily have the degree," said Chief Don Winslow.

Still, it was not all one mighty step backward for higher education and policing, as other departments took the opposite tack, including New York City's, which sent recruiters to the nation's Ivy League schools in search of candidates. In Hamden, Maine, Police Chief Joe Rogers said he believed agencies should be raising their standards, even as he struggled to fill two vacancies within his own ranks.

According to a preliminary study released by the IACP in October, while police officers with just a high school diploma made up just over half of all sworn law enforcement personnel in Florida between 1997 and 2002, they accounted for nearly three-quarters of significant disciplinary actions taken by the state.

Of the 727 disciplinary actions issued by the state's Criminal Justice Standards and Training Commission, those with no degree above a high school diploma accounted for 74.8 percent. Those with bachelor's degree accounted for 11.9 percent of the total, and those with two-year degrees, 12.2 percent. Further research on the subject is expected.

In Portland, Maine, Police Chief Michael Chitwood was forced to scale back the agency's community policing program because of a shortage of front-line officers. Four out of the program's 10 officers were reassigned. The number of applicants who take the agency's entrance exam has fallen by roughly half over the past five years, he noted, and of those who do take it, nearly half fail the physical fitness component.

"That's amazing to me, when you have 24- and 25-year-olds who can't run, can't do push-ups," said Chitwood. "This is not a triathlete-type of physical."



Eye in the sky

A helicopter flies over one of the competition venues near Salt Lake City, site of the Winter Olympic games in February. In the aftermath of the Sept. 11 terrorist attacks, the Olympics were designated a national security event, with an unprecedented military and law enforcement presence. (Reuters)

Bottom lines — getting worse before they get better

Bowing to the reality of fiscal constraints that tied knots into municipal budgets from Boston to Anchorage this year, law enforcement agencies in 2002 were forced to endure layoffs, gaping vacancies in the ranks and cuts to cherished programs. Nor did the axe fall solely on police, with virtually every aspect of the nation's criminal justice system being affected. Making matters worse, there is no reason to think that bottom lines and staffing complements will get any better in the year ahead.

In May, New York City Police Commissioner Raymond W. Kelly warned that reducing the number of officers from a peak of 41,000 to a low of 35,825, through attrition and other means, would make it difficult to maintain current enforcement levels. The department had been asked by Mayor Michael Bloomberg to cut \$132 million from its budget, with the prospect of further cuts to come. Kelly said the cuts would result in the postponement of a new recruit class of 2,000.

"This would be the lowest combined head count of the NYPD since July of 1993," he said. "What we've seen is that resources count. The size of the department matters, and we have to keep the department strong."

Retired Los Angeles police detectives were brought back on the job in April to help the agency reduce a backlog caused by a shortage of officers. The situation was so severe that some officials complained investigations were not being given the attention they deserved.

"The problem is that staffing levels are so low on investigative forces that we're starting to kiss off investigations because we don't have the officers to do them," said Joe Gunn, executive director of the L.A. Police Commission.

Violent crime was up in Los Angeles by 16.7 percent during the first four months of the year compared to the same period in 2001, with a 46.7-percent spike in homicide, and a 13.9-percent rise in domestic violence and aggravated assault.

The department was permitted to hire back retired officers for no more than 90 days a year, and the initiative's impact seemed both immediate and impressive. Five detectives brought back to work in the Devonshire Division were able to cut the number of backlogged cases from 400 to just a few dozen from February through April.

The Boston Police Department scrapped a plan to launch another academy class, and instead transferred 70 officers from desk jobs back to street duty. The city's patrolmen's union projects that 10 percent to 15 percent of officers will retire over the next two to three years.

"What they're trying to do is cut corners," said Thomas Nee, president of the Boston Police Patrolmen's Association. "This is a formula for disaster. You want to know what a chief clerk does? He runs the police station. Those guys are professionals — no captain wants to lose his chief clerk."

Nationwide, departments faced a variety of pressing fiscal issues, and dealt with them in diverse ways.

¶ Anchorage police officials eliminated a five-officer unit that dealt with community nuisances, and returned the officers to the patrol division.

¶ The number of take-home civilian cars from the Albuquerque Police Department was cut from 67 to 10 in January by Mayor Albert Chavez to help close a projected \$20-million budget shortfall. The move was expected to save \$100,000.

¶ Portland, Ore., Police Chief Mark Kroeker eliminated 21 of 46 front-desk clerk jobs, and reduced the hours during which four of the city's five precincts are open to the public.

¶ In Colorado, law enforcement agencies faced the loss of a dependable revenue stream after legislation was signed in June that would allow assets to be seized only from those convicted of a felony, among other restrictions. Departments would be the last to see any money from such proceedings, behind liens, compensation for innocent owners, court and prosecutorial costs, and state drug and alcohol abuse programs.

¶ Some departments found the lure of virtually free patrol cruisers too good to pass up, even if it meant having the cars emblazoned with ad-



SPACE PROGRAM: It's controversial, but to some police chiefs, the idea of obtaining \$1 patrol cars, albeit bedecked with advertising space, is too good to pass up in times of severely constricted budgets.

vertising. In Springfield, Fla., the police chief and other local officials decided to accept the offer from Government Acquisitions LLC, a North Carolina company. Said Police Chief Sam Slay: "If we had plenty of money, I probably wouldn't even look at it. With budget shortfalls and the need to add personnel, I kind of had to set my preferences aside." At least a dozen departments are said to have agreed to accept the commercialized cop cars, with scores more actively discussing the idea with the company. Many other departments have publicly rejected the idea, which some see as projecting an image of police officers as "tawdry hucksters for burgers and fries."

While the Justice Department's Office of Community Oriented Policing Services was spared the deep cuts threatened by the Bush administration in 2002, several cities found themselves under scrutiny for using their federal funding in questionable ways.

¶ Federal auditors asked Dallas officials to give back \$1.18 million in April, and withheld an additional \$2.9 million because of a decision by the city to purchase 56 patrol cars after its 1997-1998 COPS grant expired.

¶ Nearly three-quarters of a million dollars in COPS funds awarded to a now dissolved tribal

police force was found missing in July. Officials from the Picuris Pueblo in Penasco, N.M., refused to discuss the \$728,125 with federal auditors on the grounds that it was tribal business.

¶ In Albuquerque, federal auditors informed the city in August that it could be on the hook for \$7.6 million in allegedly misspent funds — a sum that includes \$3.5 million city officials were expecting, and \$4.1 million the Justice Department claims was used to supplant municipal dollars instead of hiring new officers.

Budget crises across the country hit the courts and jails, as well. In June, Los Angeles County Sheriff Lee Baca said he would cut critical programs such as the hate crimes unit, gang unit and Asian crime task force if officials did not increase his \$1.6 billion by \$100 million. Baca also threatened to release as many as 400 inmates.

Kentucky Gov. Paul E. Patton ordered the release of 567 nonviolent offenders as a way of trimming the state's \$500-million deficit. All of those turned loose were convicted of Class D felonies, and had an average of 80 days left on their sentences. The immediate savings was estimated at \$1.3 million.

Fiscal problems are also wreaking havoc with attempts by many departments to recruit desper-

ately needed personnel, hold on to the staff they have, or to maintain successful programs that had once seemed immune until this year's pinch.

¶ In Lorain, Ohio, budget constraints prevented the city from replacing 13 officers lost through retirement or resignation. The 111-member department also stood to lose two more officers — one to the FBI and a second to another local agency. Chief Cel Rivera said he would be forced to pull personnel from specialized assignments.

¶ Fifty-four of the 110 new recruits sworn in at the Suffolk County, N.Y., police academy in April were former New York City officers, drawn by a salary that is nearly 50-percent higher.

¶ Police chiefs in Oak Point and Crowley, Texas, hired two of 14 firing police recruits who were fired in May for cheating on exams.

¶ The Albuquerque Police Department reduced its mounted patrol — a fixture in the city's Old Town section — from a dozen officers and horses to a sergeant, three patrolmen and six horses.

¶ Two North Dakota police chiefs, Fargo's Chris Magnus and Grand Forks's John Packett, created a plan that would get officers out on the street more quickly by offering a shortened version of Lake Region State College's 18-week peace officer certification course.



Case closed

New York Supreme Court Justice Charles Tejada looks on during proceedings in Manhattan on Dec. 19, in which he dismissed the convictions of five men who served years in prison for the 1989 rape and beating of a jogger in Central Park, a crime that generated national headlines and exposed the city's racial tensions. Authorities are investigating claims by a serial rapist who said he alone attacked the 28-year-old victim. (Reuters)

Government's new anti-terrorism look

The signing of legislation on Nov. 25 that will bring 22 federal agencies and 170,000 employees together under one roof — figuratively if not literally — as the nation's new Department of Homeland Security promises to be largest transformation of government in half a century. But it was not the only anti-terrorism plan involving bureaucratic re-engineering that lawmakers confronted this year.

President Bush, who endorsed the legislation in June after pressure from Democrats and Republicans alike to address weaknesses in the government's response to terrorism, proposed a \$37.4-billion budget for the new department for 2003. While full implementation is years away, the department is expected to be up and running by March 1, and at least organizationally completed by Sept. 30.

Under the direction of Tom Ridge, the former Pennsylvania governor who has served as White House domestic security adviser, and who will likely win confirmation as the newest Cabinet member, the Department of Homeland Security will include nearly all federal law enforcement agencies, including the Coast Guard, Customs Service, Secret Service, and Immigration and Naturalization, along with numerous other federal communications, science and technology agencies. The Central Intelligence Agency and the FBI will have to share their data with the department's new intelligence center, but they will not be part of the department.

"There has been a lot of discussion among us about how you can reorganize federal law enforcement and not include the FBI, the largest federal law enforcement agency," Richard Gallo, the president of the Federal Law Enforcement Officers Association, told Law Enforcement News. "We're kind of befuddled by that. There's only 30,000 total, more or less, federal law enforcement criminal investigators and you're talking about one agency having 11,500 of those criminal investigators and they're not even part of this reorganization."

Gallo said in June that his organization was also concerned about civil service and pay benefit issues, as well.

On that score, the administration won. The law bans collective bargaining for department employees, and gives managers greater power to fire, hire and discipline workers.

Customs Service employees moving to the new department feel "pretty de-

valued and disrespected," said Colleen Kelley, the president of the National Treasury Employees Union.

"If the administration's goal was to create a more mobile and agile work force, then it's succeeded, because they'll be streaming out the door faster than you can say, 'Bye,'" T.J. Bonner, the president of the National Border Patrol Council, told USA Today.

Some also warned that an overhaul of this magnitude would not serve not to protect the nation from terrorist threats, but rather to distract the government from that goal.

"The first challenge is to lower expectations," said Paul C. Light, who studies government organization at the Brookings Institution. "People should think they will be safer, but remember we have a long way to go."

The creation of a new agency for gathering intelligence — somewhat along the lines of Britain's MI-5 — was under consideration, but may not come to fruition, in the face of a report by a federal commission which stated that combining law enforcement with intelligence collection could make the FBI look like a type of "secret police."

The commission, headed by former Virginia Gov. James Gilmore, warned that efforts to fight terrorism must not infringe on civil liberties.

The commission's recommendation was rejected by Justice Department officials and by FBI Director Robert Mueller. Problems that hampered the sharing of information prior to 9/11 have been fixed, Mueller said.

Thinking of law enforcement and intelligence gathering as two separate functions is a misconception, said Mueller. "This misunderstanding of counterterrorism has led some to conclude that we should separate these two functions and create a new domestic intelligence agency," he told The New York Times.

Another plan that may be stopped in its tracks is one that would reconfigure the Internet to identify some users. In August, a two-day workshop held by SRI International, a California-based research firm, brought together computer security experts to explore a concept known as eDNA.

Under the plan, the Internet would be divided into secure "public highways," where users would need to identify themselves with a digital version of a fingerprint in order to gain access, and "private network alleyways," where they would not, according to The Times.



President Bush (c.) prepares to sign the Homeland Security Act on Nov. 25, creating a sprawling new Department of Homeland Security to prevent and respond to terrorist attacks on the United States. On hand for the signing were (l.-r.): Senator Joe Lieberman (D.-Conn.), Representative Ellen Tauscher (D.-Calif.), Representative Dick Armey (R.-Texas), Senator Zell Miller (D.-Ga.), Senator Fred Thompson (R.-Tenn.), Representative Bob Portman (R.-Ohio) and Senator Don Nickles (R.-Okla.). (Reuters)

Headlines are not enough

Affirmative-action programs looking a little black & blue

The jury is still out on community policing

Sculpting the officer of the future

Time to rethink academy & field training

Force is too much

To do a tough job in changing times, you need timely, comprehensive, straightforward information. For the latest trends and ideas, turn to Law Enforcement News. Twenty-two times a year, **we'll put you in touch** with the thinking of those who are shaping law enforcement policy and practice.

YES! I'm ready for the professional advantage of Law Enforcement News. Enter my one-year subscription and bill me just \$28.00. (Return the coupon to LEN, 555 W. 57th Street, New York, NY 10019.)

Name/Title _____

Agency _____

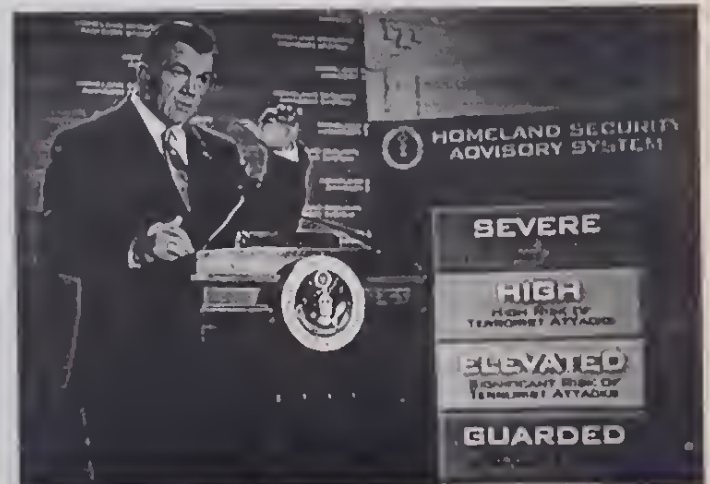
Mailing Address _____

City/State/ZIP _____

Law Enforcement News

A publication of John Jay College of Criminal Justice/CUNY

(12153102)



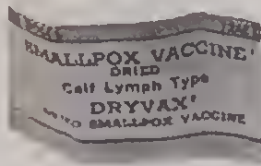
At a March 12 press conference, homeland security director Tom Ridge unveils his color-coded threat advisory system.

(White House photo)

Justice by the Numbers

A statistical profile of criminal justice in the United States, vintage 2002.

0.1: Estimated percentage of people who would have serious reactions to smallpox vaccination, which the federal government is considering resuming as an anti-terrorism measure. According to the U.S. Department of Health and Human Services, as many as 1 in 19,000 people would have life-threatening reactions to the vaccine, including ongoing skin infection with potentially fatal tissue destruction, and inflammation of the brain.



1: Number of Somali-American police officers in the United States. Abdiweli Heibeh, a member of the San Diego Police Department, is a former military police officer in his native country, who was granted political asylum here in 1997.

\$1: Cost of a new police cruiser from Government Acquisitions LLC, a North Carolina firm, which provides the cars to departments that agree to let them be festooned with commercial advertising.

1.3: The percentage increase in major crime in the first half of 2002, according to the Uniform Crime Reports, including increases of 2.3 percent in murder and 1.8 percent in rape. Burglary and motor-vehicle theft were both up by 4.2 percent.

2: The number of Sept. 11 hijackers whose student visas were approved the Immigration and Naturalization Service in the months after the terrorist attacks.

2.7: The percentage of black drivers in New Jersey identified as speeders, compared to 1.4 percent of white drivers, according to a racial profiling study by the State Police.

3.6: The number of times in every 10,000 calls for service in 1999 that police used force, according to the final report from IACP's National Police Use-of-Force Database.

4: The percentage increase in alcohol-related traffic fatalities in 2000, compared to the previous year — the first increase in 13 years — according to the National Highway Traffic Safety Administration.

8: The number of cents out of every dollar spent by state and local governments in 1999 that was directed to justice activities, according to the Bureau of Justice Statistics.

11.5: The percentage pay increase in a new two-year contract tentatively reached between New York City and the Patrolmen's Benevolent Association. The pact would raise rookie officers' starting salaries to \$34,514, from \$31,305.

13: The number of sniper shootings in Maryland and Virginia during a 23-day murder spree that left 10 people dead.

14: The number of states in which domestic violence misdemeanor records have not been automated in a way that would make them accessible by the National Instant Criminal Background Check System. Thirteen states have failed to automate the records of domestic violence restraining orders, according to an audit by the General Accounting Office.

15: The number of pounds overweight that could disqualify a Florida Highway Patrol trooper from receiving a \$500 performance bonus. The FHP is believed to be the only major state police agency to have a weight-restriction policy.



18: The number of pipe bombs allegedly planted in rural mailboxes by Lucas Helder, 21, in a five-state spree that injured six people.

18: The number of years that William Moulder served as police chief of Des Moines, Iowa — the longest tenure in department history. Moulder, 64, announced his retirement in October, effective May 2, 2003.

22: The number of federal agencies, comprising roughly 170,000 employees, that will be merged into the new Department of Homeland Security. The new department will include the Customs Service, Coast Guard, Border Patrol, Federal Protective Service, Secret Service and Federal Emergency Management Agency.

25: The percentage of New York City officers surveyed by a

consulting firm who said they were unsatisfied with their supervision on Sept. 11, 2001

38: The percentage of full-time officers in big-city departments who were members of racial or ethnic minorities in 2000, compared to 30 percent a decade earlier. The Bureau of Justice Statistics said the ranks of Hispanic officers grew most sharply, from 9 percent to 14 percent.

56: The percentage decline in violent-crime victimization of Hispanics from 1993 to 2000, according to the Bureau of Justice Statistics. The violent-crime victimization rate for all U.S. residents during that period was 51 percent



61: The percentage of Nevadans who voted against a referendum to legalize the private use and possession of marijuana by adults.

67: The number of victims that may be attributed to accused Canadian serial killer Robert Pickton.

69.5: The percentage decrease in the number of federally licensed firearms dealers from 1993 to 1998. There were 67,900 licensed dealers active in 1998.

74.8: The percentage of disciplinary actions by the Florida Criminal Justice Standards and Training Commission over a five-year period that were imposed on police officers with only a high school diploma. High school-educated officers make up just over half of the state's overall law enforcement ranks, according to a preliminary study of possible links between discipline and educational levels.

84: The age of Kam Fong Chun, the actor who played Detective Chin Ho Kelly on "Hawaii 5-0," who died of lung cancer in October.



95: The percentage of the \$4.2 million raised for the National Association of Police Athletic Leagues in 2000 that a Milwaukee-based telemarketing firm kept as its fee. The PAL voided its four-year fundraising agreement with the firm, American Trade and Convention Publications.

145: The percentage increase in the number of people injured or killed by police gunfire in Washington, D.C., in 2001 — 17, compared to 7 in 2000. The number of times police fired at suspects rose by 45 percent, to 29 from 20.

147: The number of law enforcement officers killed in the line of duty in the United States in 2002, according to the National Law Enforcement Memorial Fund. The total included 55 who were shot, 44 who died in motor-vehicle accidents, 14 who were hit by cars while outside their own vehicles, 8 who died of job-related illnesses, 7 who were killed in motorcycle accidents, 7 who were killed in aircraft accidents, 3 who drowned, 2 who were hit by a train, 2 who were beaten to death, 2 who were fatally stabbed and 1 who died in a bomb-related incident. In addition, one officer was struck by a falling object, and one was killed in a horse accident.

235: The estimated number of police departments nationwide that are linked to the National Integrated Ballistics Information Network, a database of "ballistic fingerprints."

250: The bonus paid to Chicago police officers for passing a voluntary physical fitness exam. Only about 2,600 of the city's 13,600 officers have taken the fitness challenge.

682: The number of FBI agents to be assigned to counterterrorism work over the next two years, compared to 153 currently, according to an overhaul plan announced in June by Director Robert W. Mueller III.

1,000: The number of "cold hits" generated by the state DNA database run by the Virginia Division of Forensic Science — more than any other state.

1,491: The number of wiretap intercepts authorized by federal and state courts in 2001, a 25-percent increase over the previous year, according to the Administrative Office of the U.S. Courts.

1,805: The number of women killed by a single male offender in 2000 — 62 percent of whom were the wife or intimate acquaintance of their killer, according to a study by the Violence Policy Center.



>15,000: The number of security personnel covering the 2002 Winter Olympics in Salt Lake City, far outnumbering the 2,345 athletes competing in the Games. The security contingent included 5,000 military troops and nearly 6,000 federal, state and local law enforcement personnel.

35,825: The possible staffing level of the New York City Police Department — down from a peak of 41,000 — under a "doomsday plan" of budget cuts suggested by Mayor Michael Bloomberg.

203,000: The estimated number of current missing-child cases in the United States. Kidnappings by biological parents make up three-quarters of the total.

\$226,000: The total value of the compensation package offered to Richard Pennington to take the job as police chief of Atlanta. Pennington had resigned as police superintendent of New Orleans in March, saying he wouldn't work in municipal law enforcement again unless someone made him an offer he couldn't refuse.



400,000: The estimated number of Ford Crown Victoria Police Interceptors on the road in the United States. At least 13 officers nationwide have been killed in the past 20 years in gas tank explosions stemming from Crown Victoria crashes.



1.7 million: Approximate number of firearms reported to police as stolen between January 1993 and August 2002, according to a study by the Americans for Gun Safety Foundation. The number has been dropping, from 221,322 reported stolen in 1993 to 138,035 in 2001.

\$7.3 million: The projected budget savings in a proposal by the San Antonio Police Officers Association that would lop off top posts in the department and demote all deputy chiefs and assistant chiefs to captains. The savings would be used to pay for police raises.

9 million: The estimated number of Americans each year who drive while under the influence of marijuana or cocaine, according to the National Highway Traffic Safety Administration.

24.2 million: The estimated number of crime victimizations in 2001, according to the Bureau of Justice Statistics, down from 25.9 million in 2000 and continuing a downward trend that began in 1994.

\$200 million: The amount of money to be provided for DNA analysis over the next two years under provisions of the Debbie Smith Act, a bill that would standardize the collection and preservation of fluid and tissue samples in sexual assault cases.

\$1.5 billion: The amount of law enforcement and anti-terrorism funds allocated by Congress to local police departments and emergency services, but withheld by the Bush administration pending passage of broader spending bills in 2003. Included in the money is funding for the Office of Community Oriented Policing Services, which the White House wanted to cut and restructure, but unable to do under the stopgap spending measure.

\$2.1 billion: The increase in security-related spending by local governments in 2002, according to a projection by the United States Conference of Mayors. Most of the money would go toward equipment, the mayors' group said.

Around the Nation

Northeast



CONNECTICUT — The U.S. Department of Defense has given the city of Waterbury six German shepherds to train as police dogs. The dogs had gone through training but did not qualify for military use.

DISTRICT OF COLUMBIA — A new communications system for the district's police, EMS, and fire departments will be paid for with \$31 million in federal funds. The system will be linked to local and federal public safety agencies in adjoining areas.

According to FBI statistics, the Washington metropolitan area had 90 bank robberies in 2002, up from 64 in 2001 and 54 in 2000. Some law enforcement officials say the increase is not necessarily a reflection of a sour economy but may be attributed to cyclical fluxes in the imprisonment and release of bank robbers.

MARYLAND — The Court of Appeals, the state's highest court, ruled Dec. 12 that vehicle passengers can not be searched for drugs just because a police dog smells drugs in a car. Judge Dale Cathell wrote that a passenger can not be perceived to have the same control over the contents of a vehicle as the driver.

The Maryland Transit Administration is offering free train passes to plainclothes officers who agree to watch for terrorists or other troublemakers while riding to and from work on the MARC transit system in the Washington, D. C. area. The plan is modeled on a program implemented in Virginia after the Sept. 11 terrorist attacks. In October, the FBI warned that terrorists have considered targeting U. S. passenger trains.

NEW HAMPSHIRE — Keene police say there is a "mini epidemic" of the city's teens abusing cold medicine to produce a hallucinogenic high. In recent months, at least four teenagers have been hospitalized for overdosing, or "robotripping," on over-the-counter cold medicine. Officials think there may be more cases that were never reported to the police. The most dangerous of the cold medicines when abused, according to police, is Coricidin, which contains the highest amount of dextromethorphan, a chemical that produces psychedelic effects when taken in large doses.

NEW JERSEY — James L. Andros III, a 12-year veteran of the Atlantic City police force, who was fired from his job and faced with charges of murdering his wife, was exonerated Dec. 5 when an independent forensics expert found that Ellen Andros had been killed by bleeding in her coronary artery. The medical examiner had ruled the death in March 2001 a homicide — asphyxia by suffocation — in what was believed to have been a case of domestic abuse turned deadly. Andros will be reinstated as an officer and will seek the return of his daughters, who are currently living with his in-laws.

NEW YORK — The New York City Council on Dec. 4 passed two bills protecting victims of domestic violence.

The first would mirror state law in redefining victims to include common-law and dating couples who have access to each other's apartment. It also forbids shelters from turning people away who lack a police report or order of protection. The second bill would forbid anyone with a history of domestic abuse from getting a permit for a shotgun or rifle.

The New York City Police Department is seeking a new protective-gear supplier after tests found that some of the bulletproof vests supplied by Point Blank Body Armor did not stop bullets. The company agreed to replace more than 6,000 of the 20,000 vests purchased by the NYPD, but the department decided to take its business elsewhere. [See LEN, Oct. 15, 2002.]

Bobby Joe Maxwell, who is serving life in prison for two of 11 Skid Row murders in Los Angeles in the late 1970s, has been linked to the 1970 murder of a Syracuse cab driver. The case broke when New York State Police entered fingerprints collected from the slain cab driver's vehicle into a national Automated Fingerprint Index System. A match led them to Terry Lynn Shumate of Knoxville, Tenn., who was arrested and charged with murder. Shumate told state police that he and Maxwell robbed the cab driver, Willie Joe Grant, a 31-year-old father of seven, and then killed him and dumped his body.

The state Court of Appeals ruled Dec. 12 that police must have a more specific goal for setting up roadblocks than general crime fighting. The decision came in the 1996 case of Charles Jackson, who was a passenger in a car stopped at a roadblock by the New York City Police Department's Street Crime Unit. During the stop, officers noticed a bag of cocaine by Jackson's feet. Jackson served four years in prison after pleading guilty to criminal possession of a controlled substance.

In mid-December, New York City police had counted 53 note-job bank robberies in the previous six weeks — about triple the rate of the first 10 months of the year. Police and banking officials said that the number of non-violent bank heists usually does surge during the holidays, but this year has been particularly busy and may be a sign of tougher economic times.

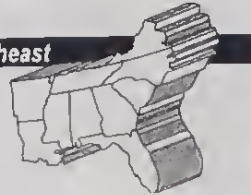
PENNSYLVANIA — Paxtang borough Police Chief Suzanne Elhaj has been suspended without pay for hiding her husband's theft of two of her guns to trade on the street for crack cocaine. An investigation revealed that Theodore Elhaj called his wife in April 2001 to tell her he had relapsed into drug abuse and took her guns. She then took his signed statement and entered it into a national crime database and called a friend in a neighboring police department without jurisdiction. Mayor Bill Parker said that officials do not believe she had anything to do with the theft.

A 10-year veteran state trooper, Joseph Sepp, 34, was shot in the head in early November by a suspect whom police had chased after he fled a routine traffic stop. Sepp died 37 hours later. The suspect, Mark Leach, was in custody in an area hospital where he was treated for gunshot wounds suffered when other officers returned fire. Sepp was married and had three young children.

On Dec. 9, Gov. Mark S. Schweiker signed a bill that would note noncitizen status on foreigners' drivers' licenses and have the licenses expire at the same time as their entry visas. The measure was part of a move to bring the state in line with federal homeland-security legislation adopted in the wake of the Sept. 11, 2001, terrorist attacks.

RHODE ISLAND — The Department of Motor Vehicles has launched a new digital driver's license system aimed at making falsification and identity theft more difficult.

Southeast



ARKANSAS — Police in Little Rock have been meeting every Thursday at the Taqueria Karina Cafe where the owner's bilingual teen-age daughter teaches them Spanish. Sgt. Randall Walker started the lessons at the restaurant because he saw them as a way to bridge the gap between the city's Hispanic population and the police. In southwest Little Rock, there seems to have been a recent rash of robberies targeting Hispanic men, but tracking crimes against the group is difficult because many state law enforcement agencies classify Hispanics as "white" or "other." According to the latest census figures, the state's Hispanic population more than tripled from 1990 to 2000.

FLORIDA — Gov. Jeb Bush and the state clemency board has restored the civil rights of E. Michael Kehoe, former chief of the FBI's violent crimes section, who was imprisoned for a year for destroying a report that criticized the bureau's role in the 1992 fatal shooting in Ruby Ridge. State law prohibits felons from voting unless their rights are restored.

Port St. Lucie police arrested two third-graders at a local elementary school for possession of 15 small bags of marijuana on school grounds. Drug possession within 1,000 feet of school grounds is a felony. In light of the arrests, school officials are now reevaluating drug-education policies and programs. Formal drug education does not begin until fifth grade with the DARE program. Officials will now look into drug-education programs for younger children.

Lisa Barbella, 41, was in a coma suffering from undisclosed injuries after leaping from the open window of a moving St. Petersburg police cruiser. Police opened the windows because she urinated in the car after they used pepper spray on her to stop her from kicking and punching them. Barbella was arrested and charged with possession of crack cocaine, drunk driving, resisting arrest and battery on an officer. If she survives, she will also face an escape charge.

GEORGIA — A Fulton County assistant district attorney was suspended and charged with disorderly conduct after allegedly fighting with an officer at the Hartsfield Atlanta International Airport. Reportedly, when the officer asked Shannon Leigh Love, 30, to move her car, which was parked by a terminal, she got out of her car and ripped the officer's

badge from his clothes. Other officers helped to restrain her after a struggle ensued. Her lawyer said that Love did not know the man was an officer because he was wearing black fatigues.

LOUISIANA — Former Baton Rouge police officer Daren Locket faces up to 20 years in prison after being convicted of raping one of New Orleans Mayor Ray Nagin's campaign volunteers. Locket once served as a bodyguard for Nagin.

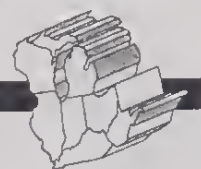
NORTH CAROLINA — In a lawsuit filed Dec. 6, the widow of Highway Patrol Trooper John Duncan Jr., who died in a car wreck while chasing a suspect, is suing the Ford Motor Company, claiming her husband's Crown Victoria patrol cruiser had several defects. The National Highway Traffic Safety Administration completed an investigation in October after the vehicles were linked to the fiery deaths of at least a dozen officers, but revealed no defects. [See LEN, Sept. 15, Oct. 15, Oct. 31, 2002.]

VIRGINIA — About 20 people found not guilty of misdemeanor charges by reason of insanity were released from state mental hospitals, where they had served an average of eight years. A new law limits the time they can spend in a mental hospital to one year. Previously, they could be held indefinitely.

State Senator Henry Marsh plans to introduce a bill that would require criminal background checks on anyone who seeks to buy a gun at a gun show. Current law requires federally-licensed gun dealers to conduct the checks but does not apply to unlicensed dealers.

The Harrisonburg Police Department has purchased new polygraph hardware that will enable police to determine, through motion sensors on a subject's back, feet, and arms, whether they are trying to trick the system. Lt. Tom Hoover said he has seen suspects use a variety of tricks they have learned on the Internet to try and deceive a polygraph machine and produce an inconclusive result.

Midwest



ILLINOIS — A divided state supreme court ruled that police who pull over motorists for traffic violations must have solid suspicions that a crime has taken place before they call in drug-sniffing dogs. The decision came in a case of a woman who was determined to have a small amount of marijuana following a traffic stop by a Fairfield officer. Dissenting judges wrote that the U. S. Supreme Court has repeatedly ruled that dog sniffs are not searches governed by the Fourth Amendment and therefore police did not need a reasonable suspicion of criminal activity.

INDIANA — After discovering that such incidents were underreported, a task force has been appointed to review the state's ability to track the deaths of children from abuse and neglect. Forty-eight such deaths have been investigated over the past four years but final tallies were not believed to have been reported accurately.

Nearly 1,000 excise police, state con-

servation officers and state troopers have voted to unionize, forming Local 1041, the Indiana Professional Law Enforcement Association.

According to a report by police and mental health workers, 4 out of 5 north-west Indiana residents who need drug addiction treatment do not receive it. The authors of a report sent to community leaders blame the mistaken notion that the war on drugs could be won by hiring more law enforcement personnel and building more prisons.

Michael A. Nufer, president of the Indiana Troopers Association, was fired from the union job after members complained about a statement he made in a political advertisement that questioned the qualifications of Trooper Rick Lewis, who was running for Steuben County sheriff. Lewis, who went on to win the election, said he received many complaints from troopers who felt the ad represented an attack on all troopers.

KENTUCKY — Anti-police protests in Louisville have called for the resignation of Police Chief Greg Smith and the firing of detectives Brian Luckett and Michael O'Neil, after the fatal shooting of a handcuffed black suspect in early December. The detectives, both of whom are white, said that the suspect was aggressive and lunged at O'Neil. Four people confirmed the officers' account, Smith said. The officers have been placed on leave while the FBI conducts an investigation.

MICHIGAN — About 20 police officers and firefighters in the Detroit area have banded together to form the Metro-Detroit Police/Fire Pipes and Drums, a group that will perform for free at funerals of public safety officers killed in the line of duty. The band's business operations head, Dearborn Police Det. Gary Marchetti, said that "our ultimate goal is to never have to play."

An investigative report by The Detroit News has found that more than 26,000 Wayne County fugitives are at large, some of them living at the same addresses at which they were originally arrested. County prosecutor Michael Duggan said that the number of unserved warrants and walkaways has created a culture of ineffectiveness and a belief that law enforcement does not work. The investigation found several cases of fugitives living at addresses and working at jobs known to police, frequenting familiar places and even having telephones listed in their names.

The U. S. Border Patrol says that its unannounced, rotating checkpoints, which started on Nov. 12 in areas of the state known to be frequented by immigrant smugglers, are working well. Although the checkpoints haven't caught any smugglers yet, they did lead to the arrest of at least one illegal immigrant — a Honduran who saw the checkpoint and then turned his vehicle around and tried to flee. The American Civil Liberties Union has said that it is not aware of any racial profiling complaints linked to the checkpoints.

State Police officials have questioned some 200 troopers and sergeants about using e-mail and the Internet inappropriately. The State Police director, Col.

Stephen Madden, said that disseminating what would be considered highly inappropriate materials — including jokes or photographs — represents a violation of department policy, with penalties that could range from verbal reprimand to dismissal.

OHIO — A bill that would allow Ohioans to carry concealed guns is moving ahead in the state Senate. The state highway patrol is hoping that the bill would be amended to include language similar to current law, which prohibits a loaded weapon from being within reach of a vehicle's driver or passengers. Unloaded weapons may be carried but must be in plain sight. The new bill would require sheriffs to issue permits to any state residents who pass a criminal background check and successfully complete 12 hours of firearms training.

WISCONSIN — Milwaukee Police Chief Arthur Jones has admitted that recent rhetoric aimed at Mayor John O. Norquist was divisive, but added that playing the "race card" could eventually bring about solutions to community problems. Norquist and Jones were once close political confidants but lately Norquist, who once campaigned on a pledge to cut crime in Milwaukee in half — has been unhappy with Jones's responses to requests for better results. Jones, referring to the mayor as "Massa Norquist," accused him of controlling the civilian Fire and Police Commission after that panel ordered the chief to develop a plan to reduce gun crime.

Although neighboring states are upgrading their 911 systems to accommodate wireless users, Wisconsin's effort to meet a 2005 deadline set by the Federal Communications Commission remains on hold while officials from the state, wireless companies and local governments debate a plan to levy a surcharge on cellular customers to fund equipment upgrades. One proposal, based on plans in place in Indiana and Michigan, calls for a monthly surcharge of 50 cents to 70 cents and the creation of a state board to distribute funds to cellular companies and local governments that operate 911 dispatch centers.



Plains States

IDWA — Dubuque residents have reportedly been receiving calls from telemarketers purporting to be local or state law-enforcement personnel soliciting cash donations. The callers promised to send bumper stickers in return for the money. A police spokesperson told the (Dubuque) Telegraph Herald that the police department is not soliciting funds.

Iowa City police are scratching their heads over the bank robber who walked into a downtown bank and gave tellers a note demanding money, then sat on a couch in the lobby to wait for police. Jerry Feick, 52, was charged with second-degree robbery and held on \$13,000 bond. Although his robbery note said he had a gun, police found him unarmed.

MINNESOTA — Public safety officials and the City Council in Red Wing are weighing whether to allow the po-

lice department to have NASCAR-style advertising on its squad cars to help ease a fiscal crisis. A North Carolina company, Government Acquisitions LLC, offers new patrol cars for \$1 each if the police department allows the advertising. [See LEN, Nov. 15, 2002.]

MISSOURI — St. Louis Police Chief Joe Mokwa has ordered the city's 1,100 police officers to wear bulletproof vests — something that was previously optional — after officers were shot at or involved in gunfights eight times in three months. While officials are not sure why so many people are suddenly shooting at the city's police, Mokwa said that it may be due in part to police being more aggressive in problem neighborhoods or to brazen street hoods who appear capable of anything.

Dent County chief deputy sheriff Sharon Joann Barnes died after being shot on Dec. 9 when she and Sheriff Bob Wofford, who was also shot, went to a home to question a man about shootings at another residence. Earl M. Forrest II, 53, of Salem was charged with killing Barnes and two other people whose bodies were found earlier. The initial killings appeared to be drug-related as a large amount of methamphetamine found at Forrest's home had been taken from the residence of one of the other victims. Barnes was the widow of a Salem police officer who died in 1995. Wofford, who was grazed by a bullet, was treated at a local hospital and released.

NEBRASKA — The Scotts Bluff County Merit Commission has upheld a 30-day unpaid suspension imposed on sheriff's deputy Jeff Chitwood, after it was determined that he was speeding when his cruiser crashed into another vehicle, killing one person and paralyzing another.

Legal experts say that an unintended side effect of sex offender registration requirements is that offenders often have difficulty finding work or a place to live after their names and faces appear on registration Web sites. In turn, those who keep track of sex offenders are faced with the problem of how to register transients. The address of one homeless ex-convict, who served time for sexually assaulting a child, is listed on the Nebraska State Patrol Sex Offender Registry Web as: "Transient. Living in car. Fairbury."

A study committee has pressed local leaders to give serious attention to the possible merger of the Omaha Police Department and the Douglas County Sheriff's Office. Although several issues have to be addressed, many residents think the merger will take place in the near future. The two governments' 911 emergency systems have already merged and the computer systems are due to be consolidated soon.



Southwest

ARIZONA — The Tucson City Council has rescinded a policy that required background checks for private gun sales transacted at gun shows at the city's convention center. The policy had not

been enforced since the National Rifle Association and a show promoter sued. The council will research options for a new policy.

In an effort to keep smugglers from driving across the border, the federal government is considering building steel barriers in the Organ Pipe Cactus National Monument and the Coronado National Memorial. Officials say that tons of drugs and tens of thousands of illegal immigrants have come through the area.

An independent audit has found that Scottsdale's police take-home vehicle program lacks oversight. Auditors said the city should have employees track after-hours use of the vehicles, limit the miles the vehicles can be driven, and tie vehicle use to "on-call" responsibilities.

COLORADO — State Patrol Chief Col. Lonnie Westphal announced Dec. 5 that the department will begin random drug testing of troopers, communications officers and other officials. He said it was part of an effort to reinforce the public's confidence.

On Dec. 9, Denver Police Chief Gerald Whitman announced the launch of two programs aimed at stemming an increase in vehicle thefts. The first, "Lock It & Stop It," will have police work with property managers to teach them ways to reduce auto theft. A "Watch Your Car" program will allow police to stop any registered vehicle seen driving between 1 a.m. and 5 a.m. to determine whether it's been stolen. People who register with the program will receive a decal to place on their car.

A newly released document revealed that a DNA sample was discovered almost two years after the still-unsolved death of 6-year-old JonBenet Ramsey. The evidence came to light in a deposition from Boulder Police Chief Mark Beckner in a civil case involving the girl's parents. It was not made clear where the sample came from, but Beckner said that it did not come from JonBenet's body or clothing. He could not say how many people were compared to the sample.

NEW MEXICO — Gabriel Arias, 20, has pleaded not guilty to a felony charge of intentionally or maliciously torturing, mutilating or poisoning an animal, after police accused him of killing his cat, then barbecuing and eating it. Police say that he killed the animal because he wasn't able to feed it and he was hungry.

As part of the state Department of Public Safety's training program, about 200 city, state and federal law enforcement officers will be carrying a "threat card" that lists indicators of potential terrorist activity and a toll-free number to reach the department's counterintelligence unit. In September, the state released its plan for homeland security, which DPS Secretary Thomas English said has already become a tool for shaping public policy.

OKLAHOMA — A federal judge has rejected the Tulsa police union's attempt to block a proposed settlement between black officers and the city in a racial discrimination suit. The Fraternal Order of Police argued that it has veto rights over the agreement but the

judge disagreed, saying that the union would have the same opportunity to present its objections during the usual process for adopting or rejecting a settlement. The union said that the settlement is at least a partial admission that police in Tulsa are racist. In the agreement, the city admitted no wrongdoing but agreed to address about 30 police department policies, including hiring and promotion procedures.

TEXAS — A state Court of Criminal Appeals has reversed a lower court ruling that had suppressed the testimony of El Paso Deputy Police Chief Cerio Martinez, which was presented as evidence that he committed aggravated perjury in a case involving leaked police documents. The lower court suppressed the testimony because it said Martinez was not properly advised of his rights, but the appeals court ruled that "the state's misconduct is not a license to commit perjury."

Houston police have asked East End residents to call a temporary halt to their armed patrols in search of gang members. Residents have been resorting to vigilantism in response to a 23-percent increase in major crimes last year. Victor Trevino, a Harris County precinct constable, said that while some crimes have been on the rise, residents should rely on law enforcement to reverse the trend.

A Bandera jury has sentenced a man to life in prison for fatally shooting a friend he says took his last beer. Steven Brasher, 42, shot Willie Lawson, 39, in the head after arguing over the missing beer. Brasher claimed the shooting was an accident.



Far West

CALIFORNIA — The federal appeals court in San Francisco has upheld most aspects of a state law restricting the sale and ownership of assault weapons. The three-judge appellate panel held that the Second Amendment only protects the collective right to organize a state militia. The panel also struck down as irrational a provision in the state law that allowed retired law enforcement officers to have assault weapons.

The state supreme court on Dec. 5 unanimously upheld a law that makes it a crime for people to purposely lodge false accusations against the police. The law was enacted after a flood of complaints made against officers following the beating of Rodney King in 1991. The decision reinstates convictions against a couple who were prosecuted for falsely accusing an Oxnard officer of exposing himself to about 50 teenagers. The two were convicted but a state appeals court later reversed the conviction, citing the couple's right to free speech. The state supreme court, however, said that free speech guarantees take a back seat to police, as false accusations could damage an officer's credibility and waste police resources.

In response to a growth in non-emergency 911 calls in San Diego, the California Highway Patrol is increasing its San Diego County dispatching staff by

nearly 20 percent, at an estimated cost of \$400,000 annually. The number of calls in that area has grown from 460,000 in 1999 to 1.2 million this year. Authorities blame the increasing numbers of cell phones, as all 911 calls made from them are routed to Highway Patrol dispatchers. An estimated 60 percent of the 7.2 million 911 calls made to the Highway Patrol statewide from cell phones were either accidental or for non-emergencies.

IDAHO — In Jerome, a man was arrested for threatening a co-worker he suspected of having ties with al-Qaeda. Robert Johnson, 29, was denied bail because a judge determined that he was still a threat after police found three homemade bombs in his van.

NEVADA — The Reno City Council has adopted more than three dozen short- and long-term initiatives aimed at ridding the downtown casino district of prostitutes, drug dealers and panhandlers. The plan includes prohibiting new liquor stores, banning repeat panhandlers and alcohol violators from downtown streets, and putting a squad of retired police officers on the beat to help keep drug dealers from the area.

DRESDEN — Multnomah County Judge Jean Maurer threw out all evidence found in what was deemed an illegal search of Portland Police Officer Gina Hoesly's garage. The ruling undercuts the prosecution's case against Hoesly, a 12-year veteran who has been charged with possessing cocaine, methamphetamine and Ecstasy. Prosecutors said that the officer abandoned her garage by leaving it on a public sidewalk, but a city employee who wrote Portland's trash rules testified that homeowners own their garage until it is collected and hauled away.

WASHINGTON — The Seattle City Council is considering enacting a "don't ask" policy that would prohibit police from asking people about their immigration status unless they're suspected of a crime.

The state supreme court ruled Dec. 5 that arrests stemming from random checks of vehicle and drivers' license data do not violate the privacy protections of the state constitution. Defense attorneys had argued that the constitution's guarantees, as well as a 1990 law restricting access to licensing information, should have invalidated the arrests of three men following a license check, but the court held that such records are essentially public and that law enforcement was exempt from the 1990 law.

The Seattle City Council is considering taking advantage of a state law that gives local government the authority to restrict sales of specific types of alcohol, to ban sales of alcohol that are popular with the city's homeless. The ban would cover an area that has become known for its chronic public inebriates. The city estimates there were more than 1,800 citations in 2000 for public drunkenness and more than 1,300 transfers in the city's detox van in 2001. If approved by the state liquor board, three restrictions would be put on markets in the area — no sales of alcohol between 6 and 9 a.m., no high alcohol-content malted beer or fortified wine, and no off-site sales of single cans or bottles of beer.

Law Enforcement News

A publication of John Jay College of Criminal Justice/CUNY

Vol. XXVIII, Nos. 589, 590

December 15/31, 2002



LEN's 2002 Person of the Year: FBI Special Agent Coleen Rowley

Bravely, if reluctantly, exposing
pre-9/11 failures. **Page 1.**

Plus: Our annual review & analysis of the year's events.

What a difference 12 months makes in law enforcement.

Coverage begins on **Page 1.**

John Jay College of Criminal Justice/CUNY
Law Enforcement News
555 West 57th Street
New York, NY 10019

NON-PROFIT ORG.
U.S. POSTAGE
PAID
New York, N.Y.
Permit No. 1302

What They Said:

"It's true we all make mistakes and I'm not suggesting that HQ personnel in question ought to be burned at the stake, but we all need to be held accountable for serious mistakes..."

— From the memo by FBI Special Agent Coleen Rowley, in which she blew the whistle on a series of intelligence failures in the months leading up to the Sept. 11, 2001, terrorist attacks. (Story, Page 1.)